

THIRTY-FIFTH DAY.

(Continued.)

(Tuesday, February 27, 1923.)

The House met at 10 o'clock a. m., and was called to order by Speaker Seagler.

RELATING TO ENTERTAINMENT
BY AMATEUR CHORAL CLUB.

Mr. Smith offered the following resolution:

H. C. R. No. 23, Relating to entertainment by Amateur Choral Club.

Whereas, The House of Representatives has heretofore extended an invitation to the Amateur Choral Club of Austin to entertain the members of the House and Senate Tuesday evening, February 27, 1923, which said invitation has been accepted by this club; and

Whereas, The citizens of Austin are going to entertain the members of the Legislature with a barbecue and certain amusements during the afternoon and evening of February 27; and

Whereas, The Amateur Choral Club has consented to entertain the members of the House and Senate in the Senate Chamber on Tuesday evening, March 6, at 8:15 p. m.; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the members of this House and Senate assemble informally in the Senate Chamber at said time for the purpose of being entertained by the Amateur Choral Club and said Amateur Choral Club be granted the privilege of using the Senate Chamber some time between now and then when the Senate is not in session for the purpose of rehearsing for said entertainment.

The resolution was read second time and was adopted.

INVITING ADMIRAL A. O. WRIGHT
TO ADDRESS THE HOUSE.

Mr. Rogers offered the following resolution:

Whereas, Admiral A. O. Wright of Jacksonville, Florida, is now visiting in the city of Austin; and

Whereas, He is in the State of Texas in the interest of the members of the navy of the Civil War; and

Whereas, He will be in Austin throughout the day; be it

Resolved, That the House of Representatives invite him to address the

said House at 4:30 p. m. this date for ten minutes.

The resolution was read second time and was adopted.

HOUSE CONCURRENT RESOLUTION
NO. 3 WITH SENATE AMEND-
MENTS.

Mr. Bonham called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 3, Providing for printing the Legislative Manual.

The Speaker laid the resolution before the House, and the Senate amendments were read.

On motion of Mr. Bonham, the House concurred in the Senate amendments.

MOTION TO NOT PRINT SENATE
BILL NO. 173.

Mr. Carpenter of Dallas moved that Senate bill No. 173 be not printed.

The motion was lost.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Lewis, it was ordered that Senate bill No. 343 be not printed.

On motion of Mr. Irwin, it was ordered that Senate bill No. 142 be not printed.

BILL RECOMMITTED.

On motion of Mr. Lewis, House bill No. 588 was recommitted to the Committee on School Districts.

HOUSE BILL NO. 393 ON
ENGROSSMENT.

The House resumed consideration of pending business, same being

H. B. No. 393, A bill to be entitled "An Act levying an inheritance tax or transfer tax and for the assessment thereof of an inheritance tax on all property passing by will or by descent, grant or gift under the intestate laws of the State of Texas or by transfer, contemplation of death, and providing for the collection of such taxes; said tax taking effect after the death of the grantor or donor, and repealing Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501 and 7502, and repealing Chapter 21, Acts of the First Called Session of the Thirtieth Legislature, Chapter 166, Acts of the Regular Session of the

Thirty-sixth Legislature, repealing all laws or parts of laws in conflict with this act, and declaring an emergency."

On its passage to engrossment, with amendment by Mr. Smith and amendment by Mr. Bell to the amendment, pending.

Question recurring on the amendment to the amendment, it was adopted.

Mr. Jones offered the following amendment to the amendment.

Amend amendment to House bill No. 393, page 865, of House Journal, Section 20, after the word "jurisdiction," by adding the following: "in the county in which the administration is pending."

The amendment was adopted.

Mr. Mathes offered the following amendment to the amendment:

Amend the amendment to House bill No. 393 by inserting Section 24½ between Sections 24 and 25, to read as follows:

Sec. 24½. If any section or sub-section of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act. The Legislature hereby declares that it would have passed this act, and each section and sub-section thereof, irrespective of the fact that any one or more sections or sub-sections be declared unconstitutional."

The amendment was adopted.

Mr. Pope offered the following amendment to the amendment:

Amend amendment to House bill No. 393 by striking out all of Section 25 after the first sentence.

Question recurring on the amendment by Mr. Pope to the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—104.

Abney.	Carpenter
Arnold.	of Dallas.
Atkinson.	Carpenter
Avis.	of Matagorda.
Baker of Milam.	Carson.
Baker of Orange.	Carter of Coke.
Baldwin.	Chitwood.
Barker.	Collins.
Barrett.	Covey.
Beasley.	Cowen.
Bell.	DeBerry.
Blount.	Dodd.
Bonham.	Downs.
Bryant.	Driggers.
Burmeister.	Duffey.
Cable.	Dunn.

Edwards.
Faubion.
Fields.
Fugler.
Gipson.
Greer.
Hardin of Erath.
Hardin
of Kaufman.
Harrington.
Henderson
of Marion.
Henderson
of McLennan.
Hendricks.
Howeth.
Hughes.
Hull.
Irwin.
Jacks.
Jennings.
Johnson.
Kemble.
Lackey.
Laird.
Lamb.
Lane.
Lewis.
Looney.
McBride.
McDaniel.
McDonald.
McFarlane.
McKean.
McNatt.
Mathes.
Maxwell.
Melson.
Merriman.
Merritt.

Montgomery.
Moore.
Morgan
of Liberty.
Morgan
of Robertson.
Patterson.
Perdue.
Pinkston.
Pool.
Pope.
Potter.
Price.
Purl.
Quaid.
Quinn.
Rice.
Robinson.
Rountree.
Rowland.
Russell
of Callahan.
Sackett.
Shearer.
Shires.
Sparkman.
Stell.
Stewart
of Edwards.
Stewart of Jasper.
Storey.
Sweet.
Teer.
Thompson.
Thrasher.
Wells.
Wessels.
Williamson.
Wilson.
Winfree.

Nays—6.

Finlay.	Simpson.
LeMaster.	Smith.
LeSturgeon.	Young.

Present—Not Voting.

Wilmans.

Absent.

Bobbitt.	Martin.
Brady.	Miller.
Coffee.	Pate.
Crawford.	Patman.
Culp.	Rogers.
Davenport.	Russell of Trinity.
Davis.	Sanford.
Dinkle.	Satterwhite.
Dunlap.	Stewart of Reeves.
Frnka.	Stroder.
Green.	Turner.
Harris.	Vaughan.
Houston.	Wallace.
Loftin.	Westbrook.

Absent—Excused.

Amsler.	Jones.
Bird.	Lusk.
• Carter of Hays.	Stevens.
Dielmann.	Stiernberg.
Durham.	Strickland.

Reason for Vote.

I vote "nay" on the amendment because a law without officers to enforce it is of no value.

YOUNG.

Question next recurring on the amendment by Mr. Smith as amended, it was adopted.

Mr. Smith offered the following amendment to the bill:

Amend caption of House bill No. 393 to conform to the amended bill, by striking out all above the enacting clause and substituting therefor the following: "An Act to tax property passing by will or by descent or by grant or gift taking effect on the death of the grantor or donor; providing for the collection of such tax, and repealing Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501 and 7502, Revised Civil Statutes of Texas, 1911; also repealing Chapter 21 of the Acts of the First Called Session of the Thirtieth Legislature, Chapter 166 of the Acts of the Regular Session of the Thirty-fifth Legislature, and Chapter 164 of the Acts of the Regular Session of the Thirty-sixth Legislature, and repealing all laws in conflict herewith, and declaring an emergency."

The amendment was adopted.

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 393 was passed to engrossment by the following vote:

Yeas—83.

Abney.	Coffee.
Arnold.	Covey.
Avis.	Cowen.
Baldwin.	DeBerry.
Barker.	Dodd.
Barrett.	Downs.
Beasley.	Driggers.
Bell.	Duffey.
Bonham.	Dunn.
Bryant.	Edwards.
Cable.	Faubion.
Carpenter	Fields.
of Matagorda.	Finlay.
Carter of Coke.	Fugler.
Chitwood.	Greer.

Hardin of Erath.	Pinkston.
Henderson	Potter.
of Marion.	Price.
Hendricks.	Rice.
Howeth.	Robinson.
Hughes.	Rowland.
Jennings.	Russell
Johnson.	of Callahan.
Kemble.	Sackett.
Lackey.	Sanford.
Laird.	Shearer.
Lane.	Shires.
LeMaster.	Simpson.
LeSturgeon.	Smith.
Lewis.	Sparkman.
McBride.	Stell.
McDaniel.	Stewart
McFarlane.	of Edwards.
Mathes.	Stewart of Jasper.
Maxwell.	Stroder.
Merritt.	Sweet.
Miller.	Teer.
Moore.	Thompson.
Morgan	Wallace.
of Robertson.	Westbrook.
Pate.	Wessels.
Patman.	Wilson.
Patterson.	Winfree.
Perdue.	Young.

Nays—28.

Atkinson.	Jacks.
Baker of Milam.	Jones.
Baker of Orange.	Lamb.
Blount.	Looney.
Burmeister.	McKean.
Carpenter	McNatt.
of Dallas.	Merriman.
Carson.	Morgan
Collins.	of Liberty.
Hardin	Purl.
of Kaufman.	Quaid.
Harris.	Storey.
Henderson	Thrasher.
of McLennan.	Vaughan.
Houston.	Wells.
Hull.	Williamson.
Irwin.	Wilmons.

Absent.

Bobbitt.	McDonald.
Brady.	Martin.
Crawford.	Melson.
Culp.	Montgomery.
Davenport.	Pool.
Davis.	Pope.
Dinkle.	Quinn.
Dunlap.	Rogers.
Frnka.	Rountree.
Gipson.	Russell of Trinity.
Green.	Satterwhite.
Harrington.	Stewart of Reeves.
Loftin.	Turner.

Absent—Excused.

Amsler.	Lusk.
Bird.	Stevens.
Carter of Hays.	Stiernberg.
Dielmann.	Strickland.
Durham.	

Mr. Smith moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 203 ON SECOND READING.

On motion of Mr. Price, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 203, A bill to be entitled "An Act to amend Chapter 11, Title 126, of the Revised Civil Statutes of the State of Texas, adopted in 1911, relating to the taxation of real and personal property and the mode of rendering same, and adding to said chapter Articles 7505a, 7505b, 7505c, 7505d, 7505e, 7505f, 7505g, 7505h, and providing for the manner of taxing mortgages and liens against real estate and the property subject thereto; and providing a penalty for failure to so render, and repealing all laws in conflict therewith."

The Speaker laid the bill before the House and it was read second time.

Mr. Price offered the following (committee) amendment to the bill:

Amend House bill No. 203 by striking out all after the enacting clause and insert in lieu thereof the following:

Section 1. That hereafter all owners and holders of promissory notes and other securities subject to taxation under the laws of this State shall, within the time provided now by law for the rendition of property for taxation, file with the tax assessor of the county wherein such owner or holder resides a sworn list of all notes or securities owned or held by such person, which shall show the amount due or to become due upon notes or securities, the character of the lien and security, if any, securing the same, and the name of the obligor in such instrument. Such owner or holder shall at the same time submit to the tax assessor for his inspection such notes or other securities, and such officer shall impress on each note and other securities a stamp showing the name of the county and officer with date of assessment, and shall

assess the value of such notes and securities in the proportion that other property is assessed for taxation in such county.

Sec. 2. That hereafter no notes or other securities subject to assessment as provided in this act shall be received as evidence in any suit brought thereon in any court of this State, nor shall any judgment on such instrument or for the foreclosure of any lien securing the payment of same be entered by the court unless the stamp of the tax assessor appears thereon as provided for in this act, or unless proper showing is made to the court that such instrument has been duly assessed for taxation as required by law.

Mr. Abney moved to postpone further consideration of the bill indefinitely.

Mr. Lackey moved the previous question on the pending amendment, motion to postpone, and the bill, and the main question was ordered.

Mr. Pope raised a point of order on consideration of the amendment on the ground that it changes the purpose of the bill.

The Speaker overruled the point of order.

Question first recurring on the (committee) amendment by Mr. Price, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—81.

Arnold.	Henderson
Baker of Milam.	of Marion.
Baldwin.	Hendricks.
Barrett.	Howeth.
Bell.	Jacks.
Bobbitt.	Jennings.
Bonham.	Johnson.
Bryant.	Lackey.
Carpenter	Laird.
of Matagorda.	Lamb.
Carter of Coke.	LeMaster.
Chitwood.	Lewis.
Crawford.	Loftin.
Davenport.	McBride.
DeBerry.	McDaniel.
Dodd.	McFarlane.
Driggers.	Mathes.
Dunn.	Maxwell.
Edwards.	Melson.
Faubion.	Merritt.
Fields.	Moore.
Finlay.	Morgan
Fugler.	of Robertson.
Hardin of Erath.	Pate.
Harriington.	Patman.
Harris.	Perdue.

Pinkston.	Simpson.
Potter.	Sparkman.
Price.	Stell.
Purl.	Stewart
Quinn.	of Edwards.
Rice.	Stroder.
Robinson.	Sweet.
Rogers.	Teer.
Rountree.	Thompson.
Rowland.	Thrasher.
Russell	Turner.
of Callaban.	Wallace.
Sackett.	Wells.
Sanford.	Westbrook.
Satterwhite.	Wilson.
Shearer.	Winfree.
Shires.	Young.

Nays—41.

Abney.	Hull.
Baker of Orange.	Irwin.
Beasley.	Jones.
Blount.	Kemble.
Brady.	LeStourgeon.
Burmeister.	McNatt.
Cable.	Merriman.
Carpenter	Morgan
of Dallas.	of Liberty.
Carsor.	Patterson.
Collins.	Pool.
Cowen.	Pope.
Downs.	Quaid.
Duffey.	Russell of Trinity.
Dunlap.	Smith.
Gipson.	Stewart of Jasper.
Greer.	Stewart of Reeves.
Hardin	Storey.
of Kaufman.	Vaughan.
Henderson	Wessels.
of McLennan.	Williamson.
Houston.	Wilmans.
Hughes.	

Present—Not Voting.

McDonald.

Absent.

Amsler.	Frnka.
Atkinson.	Green.
Avis.	Lane.
Barker.	Looney.
Coffee.	McKean.
Covey.	Martin.
Culp.	Miller.
Davis.	Montgomery.
Dinkle.	

Absent—Excused.

Bird.	Lusk.
Carter of Hays.	Stevens.
Dielmann.	Stiernberg.
Durham.	Strickland.

Mr. Price offered the following (committee) amendment to the bill:

Amend House bill No. 203 by striking out all before the enacting clause and insert in lieu thereof the following:

A bill to be entitled "An Act providing a method for the assessment for taxation of promissory notes and other securities subject to taxation, providing for a sworn list of such property from the owner and stamping and assessment thereof by the county tax assessor; and providing that such notes and securities shall not be received in evidence nor any judgment entered thereon by any court, unless the same are rendered for taxation as required by law."

The amendment was adopted.

Question then recurring on the motion to postpone further consideration of the bill indefinitely, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—60.

Abney.	Jones.
Baker of Orange.	Kemble.
Beasley.	Lackey.
Bell.	Lamb.
Blount.	LeStourgeon.
Bobbitt.	Loftin.
Brady.	McDonald.
Burmeister.	McFarlane.
Carpenter	McKean.
of Dallas.	McNatt.
Carson.	Merriman.
Collins.	Morgan
Cowen.	of Liberty.
Culp.	Patterson.
Davenport.	Pool.
Downs.	Pope.
Duffey.	Quaid.
Dunlap.	Rogers.
Fugler.	Rountree.
Gipson.	Russell of Trinity.
Greer.	Sanford.
Hardin	Satterwhite.
of Kaufman.	Shearer.
Harris.	Smith.
Henderson	Stell.
of Marion.	Stewart of Jasper.
Henderson	Storey.
of McLennan.	Thrasher.
Hendricks.	Turner.
Houston.	Vaughan.
Hughes.	Wessels.
Hull.	Williamson.
Irwin.	Winfree.

Nays—62.

Arnold.	Bryant.
Baker of Milam.	Cable.
Baldwin.	Carpenter
Barrett.	of Matagorda.
Bonham.	Carter of Coke.

Chitwood.	Patman.
DeBerry.	Perdue.
Dodd.	Pinkston.
Driggers.	Potter.
Dunn.	Price.
Edwards.	Purl.
Faubion.	Quinn.
Fields.	Rice.
Finlay.	Robinson.
Hardin of Erath.	Rowland.
Harrington.	Russell
Howeth.	of Callahan.
Jacks.	Sackett.
Jennings.	Shires.
Johnson.	Simpson.
Laird.	Sparkman.
LeMaster.	Stewart
Lewis.	of Edwards.
Looney.	Stewart of Reeves.
McBride.	Stroder.
McDaniel.	Sweet.
Mathes.	Teer.
Maxwell.	Thompson.
Melson.	Wallace.
Merritt.	Wells.
Moore.	Westbrook.
Morgan	Wilson.
of Robertson.	Young.
Pate.	

Present—Not Voting.

Wilmans.

Absent.

Amsler.	Dinkle.
Atkinson.	Frnka.
Avis.	Green.
Barker.	Lane.
Coffee.	Martin.
Covey.	Miller.
Crawford.	Montgomery.
Davis.	

Absent—Excused.

Bird.	Lusk.
Carter of Hays.	Stevens.
Dielmann.	Stiernberg.
Durham.	Strickland.

Question next recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 203 failed to pass to engrossment by the following vote:

Yeas—58.

Baldwin.	Chitwood.
Barrett.	DeBerry.
Bonham.	Dodd.
Bryant.	Driggers.
Cable.	Dunn.
Carpenter	Edwards.
of Matagorda.	Faubion.
Carter of Coke.	Fields.

Finlay.	Pinkston.
Hardin of Erath.	Potter.
Howeth.	Price.
Jacks.	Quinn.
Jennings.	Rice.
Johnson.	Robinson.
Laird.	Rogers.
LeMaster.	Rowland.
Lewis.	Sackett.
Looney.	Shires.
McBride.	Simpson.
McDaniel.	Sparkman.
Mathes.	Stewart
Maxwell.	of Edwards.
Melson.	Stroder.
Merritt.	Sweet.
Moore.	Teer.
Morgan	Thompson.
of Robertson.	Wallace.
Pate.	Wells.
Patman.	Westbrook.
Perdue.	Wilson.

Nays—66.

Abney.	Jones.
Arnold.	Kemble.
Atkinson.	Lackey.
Baker of Milam.	Lamb.
Baker of Orange.	LeStourgeon.
Beasley.	Loftin.
Bell.	McFarlane.
Blount.	McKean.
Bobbitt.	McNatt.
Brady.	Merriman.
Burmeister.	Morgan
Carpenter	of Liberty.
of Dallas.	Patterson.
Carson.	Pool.
Collins.	Pope.
Cowen.	Purl.
Crawford.	Quaid.
Davenport.	Rountree.
Downs.	Russell of Trinity.
Duffey.	Russell
Dunlap.	of Callahan.
Fugler.	Sanford.
Gipson.	Satterwhite.
Greer.	Shearer.
Hardin	Smith.
of Kaufman.	Stell.
Harris.	Stewart of Jasper.
Henderson	Stewart of Reeves.
of Marion.	Storey.
Henderson	Thrasher.
of McLennan.	Turner.
Hendricks.	Vaughan.
Houston.	Wessels.
Hughes.	Williamson.
Hull.	Winfree.
Irwin.	Young.

Present—Not Voting.

Harrington.	Wilmans.
McDonald.	

Absent.

Amsler.	Dinkle.
Avis.	Frnka.
Barker.	Green.
Coffee.	Lane.
Covey.	Martin.
Culp.	Miller.
Davis.	Montgomery.

Absent—Excused.

Bird.	Lusk.
Carter of Hays.	Stevens.
Dielmann.	Stiernberg.
Durham.	Strickland.

Mr. Burmeister moved to reconsider the vote by which the bill failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

BILL ORDERED PRINTED.

On motion of Mr. Pope, House bill No. 164, reported adversely with a minority favorable report, was ordered printed.

HOUSE BILL NO. 40 ON SECOND READING.

On motion of Mr. Bonham, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 40, A bill to be entitled "An Act to provide a more efficient method for the collection of delinquent taxes, providing compensation for the county attorney and other officials, limiting the defense that may be urged in a suit for taxes, expressly repealing Articles 7687, 7688, 7689, 7690, 7691, 7692, 7696, 7699, 7697, 7687a, 7687b and 7688a, Vernon Sayles' Texas Civil Statutes, and repealing all laws in conflict herewith."

The Speaker laid the bill before the House and it was read second time.

Mr. Bonham offered the following (committee) amendment to the bill:

Amend House bill No. 40 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Section 1 of Chapter 147 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fourth Legislature, as amended by Section 1, Chapter 64 of the General Laws of the State of Texas passed by the Second Called Session of the Thirty-sixth Legislature and desig-

nated as Article 7687a be and the same is hereby amended so as to read as follows:

Article 7687a. Notice to Owners of Delinquency; Duplicates for District or County Attorneys; Receipts for Payment.—During the months of April and May each year or as soon thereafter as practicable the collector of taxes in each county of this State shall mail to the address of each record owner of any lands or lots situated in the county a notice showing the amount of taxes delinquent or past due and unpaid against all such lands and lots as shown by the delinquent tax record of the county on file in the office of the tax collector, a duplicate of which shall also have been filed in the office of Comptroller of Public Accounts of the State of Texas and approved by such officer. Such notice shall also contain a brief description of the lands and lots appearing delinquent and the various sums or amounts due against such lands and lots for each year they appear to be delinquent according to such records, and it shall also recite that unless the owner or owners of such lots or land described therein shall pay to the tax collector the amount of taxes, interest, penalties and costs set forth in such notice within thirty days from the date of notice, then, and in that event, the county or district attorney will institute suits for the collection of such moneys and for the foreclosure of the constitutional lien existing against such lands and lots. And it shall also be the duty of the tax collector in every county of this State, as soon after mailing such notice as practicable, to furnish to the county or district attorney duplicates of all such notices mailed to the taxpayers in accordance with the provisions of this act, and also lists of lands and lots located in the county appearing on the delinquent tax records in the name of "unknown" or "unknown owners" or in the name of persons whose correct address or place of residence in or out of the county said collector is unable by the use of diligence to discover or ascertain, against which taxes are delinquent, past due and unpaid, and such lists or statements shall show the amount of State and county taxes delinquent, past due and unpaid against each such tract or lot of land for each year they appear to be delinquent according to the delinquent tax records of the county and shall likewise contain a brief description of all such

lands and lots. And it shall be the further duty of the tax collector to furnish on demand of any person or persons, firm or corporation like statements with reference to any particular lot or tract of land for whatever purpose desired, which shall be in all instances certified by him with the seal of his office attached. Whenever any person or persons, firm or corporation shall pay to the tax collector all the taxes, interest, penalties and costs shown by the delinquent tax records of the county to be due and unpaid against any tract, lot or parcel of land for all the years for which said taxes may be shown to be due and unpaid, prior to the institution of suit for the collection thereof, it shall be the duty of the tax collector to issue to such person or persons, firm or corporation, a receipt covering such payment as is now required by law.

Sec. 2. That Section 2 of Chapter 147 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-fourth Legislature, designated as Article 7687b, be and the same is hereby amended so as to read as follows:

Article 7687b. Notices, How Made Up; Supplemental Tax Lists; Examination of Other Records to Determine Delinquency; Publication; Assessor to Enter Addresses on Tax Rolls.—In making up the notices or statements provided for in Section 1 of this act (Art. 7687a), it shall be the duty of the tax collector of the various counties in the State to rely upon the delinquent tax records compiled as required by law, which have been approved by the commissioners court of such counties and a duplicate of which has been filed in the office of the Comptroller of Public Accounts of the State of Texas, and which has or shall hereafter be approved by such State officer; and it shall be the duty of the tax collector, whenever there shall be as many as two years of back taxes that have not been included in such delinquent tax records to prepare or cause to be prepared a supplement to such records which shall be prepared in duplicate, one copy to be filed in the office of the county clerk and one copy thereof to be furnished to the Comptroller of Public Accounts subject to his approval; and whenever said supplement shall have been approved by the commissioners court and by the State Comptroller, then the tax collector shall rely thereon for the data covering delinquent taxes for said years in mak-

ing out the notices or statements provided for in Section 1 of this act (Art. 7687a); provided, said tax collector in making up said delinquent tax record and supplement shall examine the records of the district court and the county clerk's office of his county and no tract of land shall be shown delinquent on said delinquent tax record for any year where the records of the district court or the county clerk's office show that the taxes for said year have been paid. To enable the tax collector to comply with the provisions of Section 1 of this act (Art. 7687a) it shall be the duty of the tax assessors of the various counties of the State to hereafter enter the postoffice address of each and every taxpayer after his name on the tax rolls, and the Comptroller shall hereafter provide a column for the entry of such addresses on the sheets furnished the assessors for making up the tax rolls.

Sec. 3. That Article 7688 of the Revised Civil Statutes of the State of Texas of 1911 be and the same is hereby amended so as to read as follows:

Article 7688. Suits to Foreclose Tax Liens on Delinquent Lands.—Whenever any taxes on real estate have become delinquent it shall be the duty of the county attorney upon the expiration of 30 days' notice provided for in Article 7687a of this act, or as soon thereafter as practicable, to file suit in the name of the State of Texas, in the district court of the county where such real estate is situated, for the amount of taxes, penalty and costs that have remained unpaid for any year or number of years since the first day of January, 1908, and the total amount of such taxes and penalty and the cost with interest computed thereon to the time fixed for the trial thereof at the rate of six per cent per annum, and shall pray for judgment for the payment of the several amounts so specified therein and shown to be due and unpaid by the original or supplementary rolls of the tax collector of such county; that such land be sold to satisfy said judgment for all taxes, interest, penalty and costs, and for such other relief as the State may be entitled to under the law and facts. All suits to enforce the collection of taxes, as provided in this act, shall take precedence and have priority over all other suits pending in said district court.

The said original or any supplementary roll, or rolls of record in the tax collector's office in any county where such

suit is brought shall be prima facie evidence of the true and correct amount of taxes and costs due by the defendant or defendants in such suit, and the same or certified copies thereof shall be admissible in the trial of such suit as evidence thereof. Such suit shall be brought as an ordinary foreclosure or debt, with averments as to the existence of a lien upon such land for such taxes, and prayer for the foreclosure of the said lien and sale of said land as under ordinary execution. The county attorney shall sign such petition as attorney for plaintiff. The county tax collector and county assessor shall furnish all affidavits, certified copies of the records of their respective offices and such other evidence as may be in their possession by virtue of such office as may be applied for by the county attorney, and shall be allowed a fee of fifty cents for each certified copy furnished upon such application; provided that where the amount of taxes delinquent is less than five dollars, suit shall not be brought therefor except at the direction of the commissioners court of the county, and discretion is hereby given to said commissioners court to have such suit for less than five dollars instituted.

Sec. 4. That Article 7689 of the Revised Civil Statutes of the State of Texas of 1911 be and the same is hereby amended so as to read as follows:

Article 7689. Proceedings in Suits to Foreclose Tax Lien.—The proper persons shall be made parties defendant in such suit, and shall be served with process and other proceedings had therein as provided by law in ordinary foreclosure suits in the district courts of this State; and in case of foreclosure an order of sale shall issue and the land sold thereunder as in other cases of foreclosure; but if the defendant or his attorney shall, at any time before the sale, file with the sheriff or other officer in whose hands any such order of sale shall be placed a written request that the property described therein shall be divided and sold in smaller tracts than the whole, together with the description of such smaller tracts, then such officers shall sell the lands in such subdivisions as defendant may request, and in such case shall sell only as many subdivisions, as near as may be, as are necessary to satisfy the judgment, interest, penalty and costs; and after the payment of the taxes, interest, penalty and costs adjudged against it, the remainder of the purchase price, if any, shall be paid by

the sheriff to the clerk of the court out of which said execution or other final process issued to be retained by him subject to the order of the court for a period of two years, unless otherwise ordered by the court, after which time the court may order the same to be paid to the State Treasurer, who shall hold same in trust to be paid to the owner against whom said taxes were assessed; provided, any one claiming the same shall make proof of his claim to the satisfaction of the State Treasurer within ten years after the sales of said land or lots, after which the same shall be governed by the law regulating escheat; provided, that if there shall be no bidder for such land, that the county attorney, sheriff, or other officer selling the same, shall bid said property off to the State for the amount of all taxes, penalty, interest and costs adjudged against said property, and it shall be the duty of the district clerk to immediately make report of such sale in duplicate, one to the Comptroller of Public Accounts and one to the commissioners court, on blanks to be prescribed and furnished by the Comptroller; and in all such cases where the property is bid off to the State it shall be the duty of the sheriff to make and execute a deed to the State, using forms to be prescribed and furnished by the Comptroller, showing in each case the amount of taxes, interest, penalty and costs for which sold, and the clerk's fees for recording deeds, as hereinafter provided. He shall cause such deeds to be recorded in the record of deeds by the county clerk of his county and, when so recorded, shall forward the same to the Comptroller; and the county clerk shall be entitled to a fee of one dollar for recording each such deed to the State, to be taxed as other costs. And when land thus sold to the State shall be redeemed it shall be the duty of the collector of taxes, when any such redemption is made, to make the proper distribution of the moneys received by him in such redemption, paying to each officer the amount of costs found to be due, and to the State and county the taxes, interest and penalty found to be due each respectively.

Sec. 5. That Chapter 15 of Title 126 of the Revised Civil Statutes of the State of Texas of 1911 be and the same is hereby amended by adding thereto a new article to be known as Article 7689a, which shall read as follows:

Article 7689a. Defenses to Suits for Collection of Delinquent Taxes.—That there shall be no defense to a suit for

collection of delinquent taxes, except the following, to-wit:

First: That the defendant was not the owner of the land at the time the suit was filed nor at the time the tax sued for was assessed;

Second: That the taxes sued for have been paid, or

Third: That the taxes sued for in excess of the limit allowed by the law.

Sec. 6. That Article 7691, Revised Civil Statutes of the State of Texas of 1911 be and the same is hereby amended so as to read as follows:

Article 7691. Attorneys to Represent State; Fees, Etc.; Commissioners Court May Contract with Attorneys; Compensation of Tax Collector.—The county attorney or district attorney shall represent the State and county in all suits against delinquent taxpayers that are provided for in this act, and all sums collected shall be paid immediately to the county collectors. In all cases the compensation for said county attorney shall be five dollars for the first tract in one suit, and one dollar for each additional tract, if more than one tract is embraced in same suit to recover taxes, interest, penalty and costs; provided that those county attorneys who may have heretofore or may hereafter institute said suits shall be entitled to an equal division with their successors in office of the fees allowed herein on all suits instituted by them where the judgment has not been obtained prior to the vacation of their office. The collector of taxes, for preparing the delinquent and supplemental lists and separating the property previously sold to the State from that reported to be sold as delinquent for the preceding year, and certifying the same to the commissioners court, shall be entitled to a fee of one dollar for each correct assessment of the land to be sold, said fee to be taxed as costs against the delinquent. The sheriff shall be entitled to a fee of one dollar for selling and making deed thereto to each purchaser of land that he sells under judgment for taxes, which fee shall be taxed as costs of suit; and the district clerk shall be entitled to a fee of one dollar and fifty cents in each case, to be taxed as costs of suit. And the county clerk, for making out and recording the data of each delinquent assessment, and for certifying the same to the commissioners court for correction, and for noting the same in the minutes of the commissioners court, and for

certifying the same, with corrections, to the Comptroller, and noting the same on his delinquent tax record, shall receive the sum of one dollar, to be taxed as costs against the land in each suit; provided that in no case shall the State or county be liable for such fees, but in each case they shall be taxed as costs against the land to be sold under judgment for taxes, and paid out of the proceeds of sale of same after the taxes, penalty and interest due thereon to the State are paid; provided that where two or more unimproved city or town lots belonging to the same person and situated in the same city or town shall be included in the same suit and costs; and provided, further, that where suits have been brought by the State against delinquents to recover taxes due by them to the State and county, the said delinquent may pay the amount of the tax, interest, penalties, and all secured costs of the county collector during the pendency of such suit; and the county attorney shall receive as compensation therefor two dollars for the first tract and one dollar for each additional tract embraced in said suit; and the district clerk shall receive only one dollar, and the sheriff only one dollar in each case; but these fees shall be paid in lieu of the fees provided for such where suits are brought as hereinafter provided, all fees provided for the officers herein mentioned shall be in addition to fees now allowed by law to such officers, and shall not be accounted for by said officers as "fees of office"; provided further that whenever the commissioners court of any county shall deem it necessary or expedient, said court may contract with any competent attorney to enforce or assist in the enforcement of the collection of any delinquent State and county taxes for a per cent on the taxes, penalty and interest actually collected and paid to the collector of taxes, and the State Comptroller shall be and he is hereby authorized to join in said contract and allow the same per cent for State taxes that is contracted to be paid by the commissioners court for the collection of county taxes, and said court is further authorized to pay for an abstract of property assessed as unknown and unsurrendered from the taxes, interest and penalty to be collected on such lands, but all such payments and expenses shall be contingent upon the recovery of such taxes, penalty and interest. It shall be the duty of the

county attorneys of the several counties or of the district attorney, where there is no county attorney, to actively assist any person with whom such contract is made by filing and pushing to a speedy conclusion of suits for collection of delinquent taxes, under any contract made as herein above specified; provided that where any district or county attorney shall fail or refuse to file and prosecute such suits in good faith, he shall not be entitled to any fees therefrom, and the attorney with whom such contract has been made is hereby fully empowered and authorized to proceed in such suits without the joinder and assistance of said county or district attorney.

Sec. 7. That Article 7692 of the Revised Civil Statutes of the State of Texas of 1911 be, and the same is, hereby amended so as to read as follows:

Article 7692. Assessor to List Unpaid Taxes Annually, Etc.—If any person shall fail or refuse to pay the taxes imposed upon him or his property by law until the thirty-first day of January next succeeding the return of the assessment rolls of the county to the Comptroller, a penalty of ten per cent on the entire amount of such taxes shall accrue, which penalty, when collected, shall be paid proportionately to the State and county; and the collector of taxes shall, by virtue of his tax rolls, seize and levy upon and assess so much personal property belonging to such person as may be sufficient to pay his taxes, together with the penalty above provided, interest and all costs accruing thereon. If no personal property be found for seizure and sale, as above provided, the collector shall, on the thirty-first day of March of each year for which the State and county taxes for the preceding year only remain unpaid, make up a list of the lands and lots on which the taxes for such preceding year are delinquent, charging against the same all taxes and penalties assessed against the owner thereof. Said list shall be made in triplicate and shall be presented to the commissioners court for examination and correction of any errors that may appear, and when so examined and corrected by the commissioners court such lists in triplicate shall be approved by said court, and one copy thereof shall be filed with the county clerk and one copy retained and preserved by the collector, and one copy forwarded to the Comptroller with his annual settlement reports; and such list,

as furnished by the tax collector, and corrected by the commissioners court, and the rolls or books on file in the collector's office, or either said list or assessment rolls or books shall be prima facie evidence that all the requirements of the law have been complied with by the officers or courts charged with any duty thereunder as to the regularity of listing, assessing, levying all taxes therein mentioned, and reporting as delinquent any real estate whatsoever, and that the amount alleged against said real estate is a true and correct charge; and in cases in which the description of the real estate in said list or assessment rolls or books is not sufficient to identify the same, and of which property there is a sufficient description in the inventories of the assessor's office, then said inventories shall be admissible as evidence of the description of said property. In the counties where the delinquent tax record for former years has not been furnished, as provided for in Article 7685, the collector of taxes shall also at the same time make in triplicate a list of all lands and lots that have been previously sold to the State for taxes of former years which have not been redeemed and on which the taxes are delinquent for the preceding year, and shall present same to the commissioners court for examination and correction of any error that may appear, and when so examined and corrected by the commissioners court, such lists, in triplicate, shall be approved by said court, and one copy thereof shall be filed with the county clerk, one retained and preserved by the collector, and one copy forwarded to the Comptroller with the annual settlement reports.

Sec. 8. That Article 7696 of the Revised Civil Statutes of the State of Texas of 1911 be and the same is hereby amended so as to read as follows:

Article 7696. May Redeem in One Year by Paying Double.—Where lands are sold under the provisions of this chapter, the owner or anyone having interest therein shall have the right to redeem said land or his interest therein within one year from the date of said sale upon the payment of double the amount paid for the land.

Sec. 9. That Article 7699 of the Revised Civil Statutes of the State of Texas of 1911 be and the same is hereby amended so as to read as follows:

Article 7699. Similar Proceedings by

City or Town.—In any incorporated city or town in which any lots or blocks of land situated within the corporate limits of said city or town have been returned delinquent or reported sold to said city or town for the taxes due thereon, the city council may prepare lists of delinquents in the same manner as provided in Article 7685 and such lists shall be certified to as correct by the mayor of said city or town, the city council may direct the city attorney to file suit in the district court of the county in which said city or town is situated for the recovery of the taxes due on said property, together with the penalty, interest and costs of suit, which suits may be brought in the same manner as is provided in this act for the bringing of suits by the county attorney.

Sec. 9. Article 7687 of the Revised Civil Statutes of the State of Texas of 1911, and Section 3 of Chapter 147 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fourth Legislature, as amended by Section 2 of Chapter 64 of the General Laws of the State of Texas, passed at the Second Called Session of the Thirty-sixth Legislature, be and the same are hereby in all things specifically repealed.

Sec. 10. The fact that there is a large amount of taxes now delinquent in this State, and the fact that the laws governing the collection of delinquent taxes are inadequate, cumbersome and needlessly expensive to the counties of this State, creates an imperative public necessity demanding that the constitutional rule requiring that bills shall be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is hereby so enacted.

Mr. Bonham offered the following amendments to the (committee) amendment:

(1)

Amend (committee) amendment No. 1 to House bill No. 40, page 7, line 4, by striking out the words, figures and letters "and designated as Article 7687a," and also by striking out of line 6, on page 40, the words "Article 7687a," and insert in lieu thereof "Section 1."

(2)

Amend (committee) amendment No. 1 to House bill No. 40, page 8, line 16, by striking out the words, figures and letters "designated as Article 7687a,"

and by striking out of line 18, page 8, the words, figures and letters "Article 7687b," and insert in lieu thereof "Section 2."

(3)

Amend (committee) amendment No. 1 to House bill No. 40, page 10, line 2, by inserting after the word "attorney" in said line, the following: "or the attorney employed by the commissioners court, as hereinafter provided."

(4)

Amend (committee) amendment No. 1 to House bill No. 40, page 12, line 10, by inserting next before the word "or" in said line the word "instituted."

(5)

Amend (committee) amendment No. 1 to House bill No. 40, page 12, line 27, by striking out the last two words of said line and insert the following: "and for all other services rendered in such suits the sheriff shall receive the same fees as the law now allows him for similar services in other suits, all of which fees."

(6)

Amend (committee) amendment No. 1 to House bill No. 40, page 13, by striking out all beginning with the word "and" in line 15 and ending with the word "taxes" at the end of line 18.

(7)

Amend (committee) amendment No. 1 to House bill No. 40, page 15, line 8, by striking out the word "one" and insert the word "two," and by striking out the word "one" in line 11 and inserting the word "two" in lieu thereof.

(8)

Amend (committee) amendment No. 1 to House bill No. 40, page 10, line 40, by changing the word "ten" to "three."

(9)

Amend (committee) amendment No. 1 to House bill No. 40, page 16, line 27, by striking out the last figure in the number "76899" and insert in lieu thereof the letter "a."

(10)

Amend (committee) amendment No. 1 to House bill No. 40, page 15, by striking out all of Article 7699 and rewriting said article as follows:

"Article 7699. Similar proceedings by city, town or independent school dis-

trict in any incorporated city or town or independent school district in which any lots or blocks of land situated within the corporate limits of said city or town have been returned delinquent or on which any tax is delinquent and is due to such city, town or school district, the city council or, if said tax be due to such school district, then the school board may prepare lists of delinquents in the same manner as is now provided by law, and such lists shall be certified to as correct by the mayor of said city or town or, if the tax be due to a school district, then by the secretary of said school board, and thereupon the city council may direct the city attorney to file suit in the district court; or, if the tax be due to a school board, may, at its discretion, employ an attorney to file such suit in the district court of the county in which said city or town or school district is situated for the recovery of the taxes due on said property to said city or town or school district, respectively, together with the penalties and interest due thereon, and all costs of suit; and said suits may be brought in the same manner as is provided in this act for the bringing of suits for State and county taxes, except as otherwise specified in this section."

The amendments were severally adopted.

Question then recurring on the (committee) amendment as amended, it was adopted.

Mr. Bonham offered the following amendment to the bill:

Amend House bill No. 40 by striking out all above the enacting clause and substitute in lieu thereof the following:

"A bill to be entitled 'An Act to provide a more efficient method for the collection of delinquent taxes on land; providing compensation for the county attorney and other officials for service rendered in collecting such taxes; further providing for the employment of a special attorney to assist in collecting such taxes, amending Section 1 of Chapter 147 of the Acts of the Regular Session of the Thirty-fourth Legislature as amended by Section 1 of Chapter 64 of the General Laws passed at the Second Called Session of the Thirty-sixth Legislature amending Section 2 of Chapter 147 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-fourth Legislature, amending Articles 7688, 7689, 7691, 7692,

7696, 7699, repealing Article 7687 of the Revised Civil Statutes of the State of Texas of 1911, and Section 3, Chapter 147, of the General Laws of the State of Texas passed at the Regular Session of the Thirty-fourth Legislature, as amended by Section 2, Chapter 64 of the General Laws of the State of Texas passed by the Second Called Session of the Thirty-sixth Legislature, adding to Chapter 13 of Title 126 of the Revised Statutes of Texas of 1911 a new article to be known as Article 7689a, limiting the defenses that may be urged in defense of a suit for delinquent taxes, repealing all laws in conflict with the provisions of this act, and declaring an emergency.'"

The amendment was adopted.

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 40 was passed to engrossment by the following vote:

Yeas—98.

Arnold.	Henderson
Atkinson.	of Marion.
Avis.	Henderson
Baker of Milam.	of McLennan.
Baldwin.	Hendricks.
Barker.	Hughes.
Barrett.	Hull.
Beasley.	Jennings.
Bell.	Jones.
Blount.	Kemble.
Bobbitt.	Lackey.
Bonham.	Laird.
Brady.	Lane.
Bryant.	LeStourgeon.
Burmeister.	Lewis.
Cable.	Looney.
Carpenter	McBride.
of Dallas.	McDaniel.
Carter of Coke.	McFarlane.
Covey.	McKean.
Cowen.	McNatt.
Crawford.	Mathes.
Culp.	Maxwell.
Davenport.	Melson.
DeBerry.	Merritt.
Dodd.	Montgomery.
Downs.	Moore.
Driggers.	Morgan
Duffey.	of Liberty.
Dunlap.	Pate.
Dunn.	Perdue.
Faubion.	Pinkston.
Fields.	Pool.
Finlay.	Pope.
Fugler.	Potter.
Gipson.	Purl.
Hardin of Erath.	Quaid.
Harrington.	Quinn.

Rice.	Stroder.
Rogers.	Teer.
Rountree.	Thompson.
Rowland.	Thrasher.
Sack ett.	Turner.
Sanford.	Vaughan.
Satterwhite.	Wells.
Simpson.	Wessels.
Smith.	Williamson.
Sparkman.	Wilmons.
Stell.	Wilson.
Stewart	Winfree.
of Edwards.	Young.
Stewart of Reeves.	

Nays—7.

Baker of Orange.	Merriman.
Collins.	Morgan
Howeth	of Robertson.
Jacks.	Sweet.

Present—Not Voting.

Abney.	Harris.
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Absent.

Carpenter	Loftin.
of Matagorda.	McDonald.
Carson.	Martin.
Chitwood.	Miller.
Coffee.	Patman
Davis.	Patterson.
Dinkle.	Price.
Edwards.	Robinson.
Frnka.	Russell
Green.	of Callahan.
Greer.	Russell of Trinity.
Hardin	Shearer.
of Kaufman.	Shires.
Houston.	Stewart of Jasper.
Irwin.	Storey.
Johnson.	Wallace.
Lamb.	Westbrook.
LeMaster.	

Absent—Excused.

Amsler.	Lusk.
Bird.	Stevens.
Carter of Hays.	Stiernberg.
Dielmann.	Strickland.
Durham.	

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 27, 1923.
Hon. R. E. Seagler, Speaker of the House
of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 193, A bill to be entitled "An Act accepting certain lands or bancos along the Rio Grande adjacent to

the State of Texas, which territory has been acquired by the United States of America by virtue of a treaty with the United States of Mexico, dated March 20, 1905, and ceded by the United States of America to the State of Texas by an act of Congress approved January 27, 1922, and declaring an emergency."

S. B. No. 355, A bill to be entitled "An Act to create the Palo Alto Independent School District out of a part of the Matamoros Common School District and the Bishop Independent School District in Nueces county, Texas; defining its boundaries; providing for a board of trustees in said district; conferring on said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of the State upon independent school districts and the board of trustees thereof; providing for the election of trustees, raising of revenue, issuing of bonds, building and maintaining schools; providing for the payment by the Palo Alto Independent School District of the pro rata share of the bonded indebtedness of the Bishop Independent School District, and validating said obligation; providing for commissioners to fix the said pro rata share of said bonded indebtedness; repealing all laws in so far as they conflict herewith, and declaring an emergency."

The Senate refused to concur in House amendments to Senate bill No. 301, and ask for a Conference Committee on said bill. The following have been appointed on behalf of the Senate: Senators Fairchild, Bledsoe, McMillin, Davis and Pollard.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 26, 1923.
Hon. R. E. Seagler, Speaker of the House
of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 445, A bill to be entitled "An Act to amend Chapter 16 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its First Called Session, changing the time of holding courts in the Thirty-third Judicial District of Texas by providing for two weeks each in Gillespie county, and by providing that the two terms of said court to be held in Burnet

county may continue in session for three weeks each, and repealing all laws and parts of laws in conflict herewith, and creating an emergency."

H. B. No. 60, A bill to be entitled "An Act to create and provide for a Department of Insurance for the State of Texas separate and distinct from the Department of Banking of this State; to provide for the appointment, term of office, name, compensation, and to prescribe the qualifications and the powers and duties of the head of such department; to provide for a seal for such office; to require of the Commissioner of Insurance an oath of office and a bond for the faithful discharge of his duties; to provide for a deputy commissioner, and to define the duties and powers and obligations of the deputy commissioner, and to provide for actuaries and examiners, and for clerical help for such department; to amend Chapter 7 of Title 35 of the Revised Statutes of the State of Texas, and particularly to amend Articles 4485, 4486, 4487, 4488, 4489, 4490, 4491 and 4492, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency," with amendments.

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

RECESS.

On motion of Mr. LeSturgeon, the House, at 12:15 o'clock p. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

CONFERENCE COMMITTEE ON SENATE BILL NO. 301.

Mr. Baker of Milam called up from the Speaker's table, for consideration at this time, the request of the Senate for a free conference committee on Senate bill No. 301.

The Speaker laid the request of the Senate before the House.

Question—Shall the request be granted?

Mr. Baker of Milam moved that the request be granted.

The motion prevailed.

In accordance with the above action the Speaker announced the appointment

of the following free conference committee on the part of the House:

Messrs. Baker of Milam, Pool, Lackey, Bonham and Wallace.

BILL ORDERED PRINTED.

On motion of Mr. Jones, Senate bill No. 169, reported adversely with a minority favorable report, was ordered printed.

HOUSE BILL NO. 95 ON SECOND READING.

On motion of Mr. Turner, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 95, A bill to be entitled "An Act amending the workmen's compensation law, as amended by Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. LeSturgeon offered the following amendment to the bill:

Amend House bill No. 95 by striking out all after the enacting clause and substituting the following:

Section 1. That Section 7 of "Part I," of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature be, and the same is, hereby amended so as to hereafter read as follows:

Section 7. During the first four weeks of the injury, dating from the date of its infliction, the association shall furnish reasonable medical aid, hospital service and medicines. If the association fails to so furnish same as and when needed during the time specified, after notice of the injury to the association or subscriber, the injured employe may provide said medical aid, hospital service and medicines at the cost and expense of the association. The employe shall not be entitled to recover any amount expended or incurred by him for said medical aid, hospital services or medicines nor shall any person who supplied the same be entitled to recover of the association thereof, unless the association or subscriber shall have had notice of the injury and shall have refused, failed or neglected to furnish it or them within a reasonable time. Provided, however, that at the time of the injury or immediately thereafter, if necessary, the employe shall

have the right to call in any available physician or surgeon to administer first-aid treatment as may be reasonably necessary at the expense of the association. During the fourth or any subsequent week of continuous total incapacity requiring the confinement to a hospital, the association shall, upon application of the attending physician or surgeon certifying the necessity therefor to the Industrial Accident Board and to the association, furnish such additional hospital services as may be deemed necessary not to exceed one week, unless at the end of such additional week the attending physician shall certify to the necessity for another week of hospital services or so much thereof as may be needed; provided, however, that such additional hospital services as are provided for in this paragraph shall not be held to include any obligation on the part of the association to pay for medical or surgical services not ordinarily provided by hospitals as a part of their services.

Sec. 2. That Section 8a of "Part I," of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature shall be, and is, hereby amended so as to hereafter read as follows:

Section 8a. The compensation provided for in the foregoing section of this act shall be for the sole and exclusive benefit of the surviving husband who has not, for good cause, and for a period of three years prior thereto, abandoned his wife at the time of the injury, the wife who has not, at the time of the injury, without good cause and for a period of three years prior thereto, abandoned her husband and the minor children, parents and grandparents, and stepmothers, and children and grandchildren or brothers and sisters of the deceased employe, without regard to the question of dependency, and the amount recovered thereunder shall not be liable for the debts of the deceased nor for the debts of the beneficiary or beneficiaries and shall be distributed among such beneficiaries as may be entitled to same as hereinbefore provided, according to the laws of descent and distribution of this State, provided the right in such beneficiary or beneficiaries to recover compensation for death be determined by the facts that exist at the date of the death of the deceased and that said right be a complete, absolute and vested one; and provided such compensation shall not pass

to the estate of the deceased to be administered upon, but shall be paid directly to said beneficiaries when the same are capable of taking, under the laws of the State, or to their guardian or next friend, in case of lunacy, infancy or other disqualifying cause of any beneficiary. And the compensation provided for in this act shall be paid weekly to the beneficiaries herein named and specified, subject to the other provisions of this act.

Sec. 3. That Section 5 of "Part II," of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature shall be, and is, hereby amended so as to hereafter read as follows:

Section 5. All questions arising under this act, if not settled by agreement of the parties interested therein and within the terms and provisions of this act shall, except as otherwise provided, be determined by the board. Any interested party who is not willing and does not consent to abide by the final ruling and decision of said board shall within twenty days after the rendition of said final ruling and decision by said board give notice to the adverse party and to the board that he will not abide by said final ruling and decision. And he shall within twenty days after giving such notice bring suit in some court of competent jurisdiction in the county where the injury occurred or where the claimant, beneficiary or beneficiaries or some of them reside in the event any of them maintain a residence in Texas to set aside said final ruling and decision, and said board shall proceed no further toward the adjustment of such claim other than as hereinafter provided; provided, however, that whenever such suit is brought, the rights and liability of the parties thereto shall be determined by the provisions of this act, and the suit of the injured employe or person suing on account of the death of such employe shall be against the association if the employer of such injured or deceased employe at the time of such injury or death was a subscriber as defined in this act. If the final order of the board is against the association, then the association and not the employer shall bring suit to set aside said final ruling and decision of the board, if it so desires, and the court shall in either event determine the issues in such cause instead of the board upon trial de novo and the burden of proof shall be upon the party claiming

compensation. Where award by the board is in favor of the claimant or surviving beneficiary or beneficiaries and appeal is taken by the association and a court renders judgment that equals or exceeds the amount awarded by the board, there shall be automatically added to the judgment of the court 33 1-3 per cent and the maximum and minimum weekly rates fixed in the law shall be disregarded in adding said percentage of said judgment. If any party to any such final ruling and decision of the board, after having given the notice as hereinabove provided, fails within said twenty days to institute and prosecute a suit to set the same aside, then said final ruling and decision shall be binding upon all parties thereto, and, if the same is against the association, it shall at once comply with such final ruling and decision and, failing to do so, the board shall certify that fact to the Commissioner of Insurance and Banking, and such certificate shall be sufficient cause to revoke or forfeit the license or permit of such association to do business in Texas.

Sec. 4. That "Part II," of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature shall be, and is, hereby amended by adding thereto another section to be known as Section 11a, which shall hereafter read as follows:

Section 11a. The association shall make to the board all requested reports that are designed to furnish information of any and every character whatsoever relating to the manner in which claims for compensation are being investigated, handled, disposed of and adjusted. Upon failure to make report within reasonable time to be fixed by the board, after request therefor, the certificate of the board to the Commissioner of Insurance and Banking informing said officer of said failure and refusal shall make it the duty of said officer to revoke and cancel the permit of the association to do business in Texas.

Sec. 5. That Sections 8, 10, 11 and 12 of "Part I." of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature shall be, and are, hereby amended so as to hereafter read as follows:

Section 8. If death should result from the injury the association hereinafter created shall pay the legal beneficiaries of the deceased employe a weekly payment equal to sixty per cent

of his average weekly wages, but not more than \$22 nor less than \$5 per week, for a period of three hundred and sixty weeks from the date of the injury.

Section 10. While the incapacity for work resulting from the injury is total, the association shall pay the injured employe a weekly compensation equal to sixty per cent of his average weekly wages, but not more than \$22 nor less than \$5, and in no case shall the period covered by such compensation be greater than four hundred and one (401) weeks from the date of the injury.

Section 11. While the incapacity for work resulting from the injury is partial, the association shall pay the injured employe a weekly compensation equal to sixty per cent of the difference between his average weekly wage before the injury and his average weekly wage earning capacity during existence of such partial incapacity, but in no case more than \$22 per week; and the period covered by such compensation to be in no case greater than three hundred weeks; provided that in no case shall the period of compensation for total and partial incapacity exceed four hundred and one (401) weeks from the date of the injury.

Section 12. For the injuries enumerated in the following schedule the employe shall receive in lieu of all other compensation except medical aid, hospital services and medicines as elsewhere herein provided, a weekly compensation equal to sixty per cent of the average weekly wages of such employe, but not less than \$5 per week nor exceeding \$22 per week, for the respective periods stated herein, to wit:

For the loss of a thumb sixty per cent of the average weekly wages during sixty weeks.

For the loss of a first finger, commonly called the index finger, sixty per cent of the average weekly wages during forty-five weeks.

For the loss of a second finger sixty per cent of the average weekly wages during thirty weeks.

For the loss of a third finger sixty per cent of the average weekly wages during twenty-one weeks.

For the loss of a fourth finger, commonly known as the little finger, sixty per cent of the average weekly wages during fifteen weeks.

The loss of the second or distal phalanx of the thumb shall be considered to be equal to the loss of one-half of

such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third or distal phalange of any finger shall be considered to be equal to the loss of one-third of such finger.

The loss of more than the middle or distal phalange of any finger shall be considered to be equal to the loss of the whole finger; provided, however, that in no case shall the amount received for the loss of a thumb and more than one finger on the same hand exceed the amount provided in this schedule for the loss of a hand.

For the loss of the metacarpal bone (bone of palm) for the corresponding thumb, finger or finger above, add ten weeks to the number of weeks as above, subject to the limitation that in no case shall the amount received for the loss or injury to any one hand be more than for the loss of the hand.

For ankylosis (total stiffness of) or contracture (due to sears or injuries) which make the fingers useless, the same number of weeks shall apply to such finger or fingers or parts of fingers (not thumb) as given above.

For the loss of a hand sixty per cent of the average weekly wage during one hundred and fifty weeks.

For the loss of an arm at or above the elbow sixty per cent of the average weekly wages during two hundred weeks.

For the loss of one of the toes, other than the great toe, sixty per cent of the average weekly wages during ten weeks.

For the loss of the great toe sixty per cent of the average weekly wages during thirty weeks.

The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half of the toe.

For the loss of a foot sixty per cent of the average weekly wages during one hundred and twenty-five weeks.

For the loss of a leg at or above the knee sixty per cent of the average weekly wages during two hundred weeks.

For the total and permanent loss of the sight of one eye sixty per cent of the average weekly wages during one hundred weeks.

In the foregoing enumerated cases of permanent, partial incapacity, it

shall be considered that the permanent loss of the use of a member shall be equivalent to and draw the same compensation as the loss of that member.

For the complete and permanent loss of the hearing in both ears sixty per cent of the weekly wages during one hundred and fifty weeks.

For the loss of an eye and leg above knee sixty per cent of the average weekly wages during a period of three hundred and fifty weeks.

For the loss of an eye and an arm above the elbow sixty per cent of the average weekly wages during a period of three hundred and fifty weeks.

For the loss of an eye and a hand sixty per cent of the average weekly wages during a period of three hundred and twenty-five weeks.

For the loss of an eye and a foot sixty per cent of the average weekly wages during a period of three hundred weeks.

Where the employe sustains concurrent injuries resulting in concurrent incapacities, he shall receive compensation only for the injury which produces the longest period of incapacity; but this section shall not affect liability for the concurrent loss or the loss of the use thereof of more than one member, for which members compensation is provided in this schedule; compensation for specific injuries under this act shall be cumulative as to time and not concurrent.

In all cases of permanent partial incapacity it shall be considered that the permanent loss of the use of the member be equivalent to and draw the same compensation as the loss of that member; but the compensation in and by said schedule provided shall be in lieu of all other compensation in such cases.

In all other cases partial incapacity, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, compensation shall be determined according to the percentage of incapacity, taking into account among other things any previous incapacity, the nature of the physical injury or disfigurement, the occupation of the injured employe and the age at the time of injury; the compensation paid therefor shall be 60 per cent of the average weekly wages of the employe, but not to exceed \$22 per week, multiplied by the percentage of incapacity caused by the injury for such period as the board

may determine not exceeding three hundred weeks. Whenever the weekly payments under this paragraph would be less than \$3 per week the period may be shortened, and the payments correspondingly increased by the board.

Sec. 6. The importance of this act creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each house and that this act shall be in force and take effect from and after its passage, and said rule is hereby suspended and it is so enacted.

Mr. Simpson offered the following amendment to the amendment:

Amend amendment to House bill No. 95 as found on page 1031, Journal, by adding thereto the following to be known as Section 6, and renumbering the emergency clause as Section 7:

"Sec. 6. Amend Chapter 103, Part I, Section 12c, Acts of the Thirty-fifth Legislature, by repealing said Section C, Part I, Chapter 10, Acts of the Thirty-fifth Legislature, which said section reads as follows:

"If an employe who has suffered a previous injury shall suffer a subsequent injury which results in a condition of incapacity to which both injuries or their effects have contributed, the association shall be liable because of such injury only for the compensation to which the subsequent injury would have entitled the injured employe had there been no previous injury."

The amendment was adopted.

Mr. McFarlane offered the following amendment to the amendment:

Amend Section 5, page 1033, lines 13 and 14, by striking out the following words in line 13: "claiming compensation" and inserting in lieu thereof the following clause: "against whom the Industrial Accident Board found in rendering their decision."

The amendment was adopted.

Mr. LeSturgeon offered the following amendment to the amendment:

Amend the amendment by adding after Section 6 the emergency clause as follows:

"Sec. 7. The importance of this act creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each house and that this act shall be in force and take effect from and after

its passage, and said rule is hereby suspended, and it is so enacted."

The amendmemnt was adopted.

Mr. Baldwin offered the following amendment to the amendment:

Amend the amendment to House bill No. 95, page 4 of the printed bill, line 4, by striking out the words "de novo."

The amendment was adopted.

Mr. Quinn offered the following amendment to the amendment:

Amend amendment to House bill No. 95 by striking out the figures "\$22," wherever same appear and insert in lieu thereof the figures "\$25."

Mr. Simpson moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Quinn, it was lost.

Question then recurring on the amendment as amended, it was adopted.

Mr. LeSturgeon offered the following amendment to the bill:

Amend House bill No. 95 by striking out the caption and substituting the following:

"A bill to be entitled 'An Act to amend Sections 7 and 8 of Part I of Chapter 103 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-fifth Legislature, and to amend Part II of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature by adding thereto another section to be known as Section 11a, and to amend Section 5 of Part II of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature, and to amend Sections 8, 10, 11 and 12 of Part I of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature entitled "An Act to amend Chapter 179 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-third Legislature entitled 'An Act relating to employers' liability and providing for the compensation of certain employes, and their representatives and beneficiaries, for personal injuries sustained in the course of employment, and for deaths resulting from such injuries, and to provide and determine in what cases compensation shall be paid, and to make the payment thereof more certain and prompt by the creation of an insurance association to insure and guarantee such payments and of an industrial accident board for the investigation of claims and for the adjudication thereof for consenting parties,

fixing the membership and powers of said board and its compensation and duties, and the method of its appointment, and the term of office of its members, and fixing also the powers, duties and liabilities of said insurance association and the extent of control over same to be exercised by the Commissioner of Banking and Insurance, and providing also for the insurance of payments of compensation to employes by certain other insurance companies and organizations, and declaring an emergency," and declaring an emergency," so as to provide the period during which the association shall furnish medical aid, hospital services and medicines, and so as to provide the right in such beneficiaries to recover compensation for death to be determined by the facts that exist at the date of the death of the deceased, and said right to be a complete, absolute and vested one, and to provide venue and penalty, and so as to provide that the association shall make requested reports to the board, and so as to provide for increasing the maximum weekly compensation allowed under the act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Mr. Simpson offered the following amendment to the amendment:

Amend amendment to caption of House bill No. 95 as found on page 1032 of the Journal by inserting after the word "act" in the third to last line of the caption the following: "and so as to repeal Section 12c of Part I of Chapter 103, Acts of the Thirty-fifth Legislature, relating to the amount of compensation a subsequent injury entitles one who has received a previous injury."

The amendment was adopted.

Question recurring on the amendment to the caption as amended, it was adopted.

Question next recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 95 was then passed to engrossment by the following vote:

Yeas—123.

Abney.	Barrett.
Arnold.	Beasley.
Atkinson.	Bell.
Avis.	Blount.
Baker of Milam.	Bonham.
Baker of Orange.	Brady.
Baldwin.	Bryant.
Barker.	Burmeister.

Cable.
Carpenter
of Dallas.
Carpenter
of Matagorda.
Carson.
Carter of Coke.
Chitwood.
Coffee.
Covey.
Cowen.
Crawford.
Culp.
Davenport.
DeBerry.
Dodd.
Downs.
Driggers.
Duffey.
Dunlap.
Dunn.
Edwards.
Faubion.
Fields.
Finlay.
Fugler.
Gipson.
Greer.
Hardin of Erath.
Harrington.
Harris.
Henderson
of Marion.
Henderson
of McLennan.
Hendricks.
Howeth.
Hughes.
Hull.
Irwin.
Jacks.
Jennings.
Jones.
Kemble.
Lackey.
Laird.
Lamb.
Lane.
LeMaster.
LeSturgeon.
Lewis.
Loftin.
Looney.
McBride.
McDaniel.
McDonald.
McFarlane.
McKean.

McNatt.
Martin.
Maxwell.
Merritt.
Miller.
Montgomery.
Moore.
Morgan
of Liberty.
Morgan
of Robertson.
Pate.
Patman.
Patterson.
Perdue.
Pinkston.
Pool.
Pope.
Potter.
Purl.
Quaid.
Quinn.
Rice.
Robinson.
Rogers.
Rountree.
Rowland.
Russell
of Callahan.
Russell of Trinity.
Sackett.
Sanford.
Satterwhite.
Shearer.
Shires.
Simpson.
Smith.
Sparkman.
Stell.
Stewart
of Edwards.
Stewart of Jasper.
Stewart of Reeves.
Storey.
Stroder.
Sweet.
Teer.
Thompson.
Thrasher.
Turner.
Wallace.
Wells.
Westbrook.
Williamson.
Wilmans.
Wilson.
Winfree.
Young.

Nays—1.

Wessels.

Absent.

Bobbitt.
Collins.
Davis.
Dinkle.

Frnka.
Green.
Hardin
of Kaufman.

Houston.	Merriman.
Johnson.	Price.
Mathes.	Vaughan.
Melson.	

Absent—Excused.

Amsler.	Lusk.
Bird.	Stevens.
Carter of Hays.	Stiernberg.
Dielmann.	Strickland.
Durham.	

HOUSE BILL NO. 95 ON THIRD READING.

Mr. Davenport moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 95 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111.

Abney.	Harris.
Arnold.	Henderson
Avis.	of Marion.
Baker of Milam.	Henderson
Baker of Orange.	of McLennan.
Baldwin.	Hendricks.
Barker.	Houston.
Barrett.	Howeth.
Beasley.	Hughes.
Bell.	Irwin.
Blount.	Jennings.
Bonham.	Jones.
Brady.	Kemble.
Bryant.	Laird.
Burmeister.	Lamb.
Cable.	Lane.
Carpenter	LeMaster.
of Dallas.	LeStourgeon.
Carpenter	Lewis.
of Matagorda.	Loftin.
Carson.	McBride.
Chitwood.	McDaniel.
Covey.	McFarlane.
Cowen.	McNatt.
Crawford.	Martin.
Culp.	Maxwell.
Davenport.	Merritt.
DeBerry.	Montgomery.
Dodd.	Moore.
Downs.	Morgan
Driggers.	of Liberty.
Duffey.	Pate.
Dunlap.	Patman.
Dunn.	Patterson.
Edwards.	Perdue.
Faubion.	Pinkston.
Fields.	Pool.
Finlay.	Pope.
Fugler.	Price.
Gipson.	Purl.
Greer.	Quaid.
Hardin of Erath.	Quinn.

Robinson.	Stewart of Jasper.
Rogers.	Stewart of Reeves.
Rountree.	Storey.
Russell	Stroder.
of Callahan.	Sweet.
Russell of Trinity.	Thompson.
Sackett.	Thrasher.
Sanford.	Turner.
Satterwhite.	Vaughan.
Shearer.	Wallace.
Shires.	Wells.
Simpson.	Westbrook.
Smith.	Williamson.
Sparkman.	Wilmans.
Stell.	Wilson.
Stewart	Winfree.
of Edwards.	Young.

Nays—8.

Atkinson.	Mathes.
Carter of Coke.	Merriman.
Harrington.	Rowland.
McKean.	Wessels.

Absent.

Bobbitt.	Johnson.
Coffee.	Lackey.
Collins.	Looney.
Davis.	McDonald.
Dinkle.	Melson.
Frnka.	Miller.
Green.	Morgan
Hardin	of Robertson.
of Kaufman.	Potter.
Hull.	Rice.
Jacks.	Teer.

Absent—Excused.

Amsler.	Lusk.
Bird.	Stevens.
Carter of Hays.	Stiernberg.
Dielmann.	Strickland.
Durham.	

The Speaker then laid House bill No. 95 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—115.

Mr. Speaker.	Brady.
Abney.	Bryant.
Arnold.	Burmeister.
Avis.	Cable.
Baker of Milam.	Carpenter
Baker of Orange.	of Dallas.
Baldwin.	Carson.
Barker.	Carter of Coke.
Barrett.	Chitwood.
Beasley.	Covey.
Bell.	Cowen.
Blount.	Crawford.
Bonham.	Davenport.

DeBerry.	Montgomery.
Dodd.	Moore.
Downs.	Morgan
Driggers.	of Liberty.
Duffey.	Morgan
Dunn.	of Robertson.
Edwards.	Pate.
Faubion.	Patman.
Fields.	Perdue.
Finlay.	Pinkston.
Fugler.	Pool.
Gipson.	Pope.
Greer.	Price.
Hardin of Erath.	Purl.
Harrington.	Quaid.
Harris.	Quinn.
Henderson	Rice.
of Marion.	Robinson.
Henderson	Rogers.
of McLennan.	Rountree.
Hendricks.	Rowland.
Houston.	Russell
Howeth.	of Callahan.
Hughes.	Russell of Trinity.
Hull.	Sackett.
Irwin.	Sanford.
Jacks.	Satterwhite.
Jennings.	Shearer.
Johnson.	Shires.
Jones.	Simpson.
Kemble.	Sparkman.
Lackey.	Stell.
Laird.	Stewart of Jasper.
Lamb.	Stewart of Reeves.
Lane.	Storey.
LeMaster.	Stroder.
Lewis.	Sweet.
Loftin.	Teer.
McBride.	Thompson.
McDaniel.	Thrasher.
McDonald.	Turner.
McFarlane.	Wallace.
McKean.	Wells.
McNatt.	Westbrook.
Martin.	Williamson.
Maxwell.	Wilmans.
Merriman.	Wilson.
Merritt.	Winfree.
Miller.	

Nays—1.

Wessels.

Absent.

Atkinson.	Hardin
Bobbitt.	of Kaufman.
Carpenter	Looney.
of Matagorda.	Mathes.
Coffee.	Melson.
Collins.	Patterson.
Culp.	Potter.
Davis.	Smith.
Dinkle.	Stewart
Dunlap.	of Edwards.
Frnka.	Vaughan.
Green.	Young.
LeStourgeon.	

Absent—Excused.

Amsler.	Lusk.
Bird.	Stevens.
Carter of Hays.	Stiernberg.
Dielmann.	Strickland.
Durham.	

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 27, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has requested the House to return House bill No. 60 to the Senate for correction.

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

RELATING TO HOUSE BILL NO. 60.

Mr. Baker of Milam moved that the House refuse to grant the request of the Senate for the return of House bill No. 60.

The motion prevailed.

HOUSE BILL NO. 60 WITH SENATE AMENDMENTS.

Mr. Baker of Milam called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 60, A bill to be entitled "An Act to create and provide for a Department of Insurance for the State of Texas, separate and distinct from the Department of Banking of this State, to provide for the appointment, term of office, name, compensation, and to prescribe the qualifications and the powers and duties of the head of such department; to provide for a seal of such office; to require of the Commissioner of Insurance an oath of office and a bond for the faithful discharge of his duties; to provide for a deputy commissioner, and to define the duties and powers and obligations of the deputy commissioner, and to provide for actuaries and examiners, and for clerical help for such department; to amend Chapter 7 of Title 65 of the Revised Statutes of the State of Texas, and particularly to amend Articles 4485, 4486, 4487, 4488, 4489, 4490, 4491 and 4492, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

Mr. Baker of Milam moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action the Speaker announced the appointment of the following committee:

Messrs. Melson, Baker of Milam, Smith, Shires, and Carpenter of Dallas.

BILL SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 445, "An Act to amend Chapter 16 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its First Called Session, changing the time of holding courts in the Thirty-third Judicial District of Texas by providing that said court shall hold three terms of two weeks each in Gillespie county, and by providing that the two terms of said court to be held in Burnet county may continue in session for three weeks each, and repealing all laws and parts of laws in conflict herewith, and creating an emergency."

(Mr. Patman in the chair.)

HOUSE BILL NO. 179 ON SECOND READING.

On motion of Mr. Collins, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 179, A bill to be entitled "An Act to amend Chapter 15 of an Act of the Thirty-sixth Legislature passed at its Regular Session, which act was approved February 19, 1919, and was known as Chapter 15 of the Laws of said Legislature, so as to provide that said act shall not apply to policies of insurance covering personal property and to make said act as amended read as hereinafter set out, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 179 failed to pass to engrossment by the following vote:

Yeas—17.

Baker of Milam.	Hull.
Baker of Orange.	Irwin.
Brady.	Johnson.
Carpenter	Lackey.
of Dallas.	Pool.
Carson.	Purl.
Carter of Coke.	Quinn.
Faubion.	Sackett.
Greer.	Teer.

Nays—97.

Abney.	Lewis.
Arnold.	Looney.
Atkinson.	McBride.
Avis.	McDaniel.
Barker.	McFarlane.
Barrett.	McKean.
Beasley.	McNatt.
Bell.	Martin.
Blount.	Mathes.
Bobbitt.	Maxwell.
Bonham.	Merriman.
Burmeister.	Merritt.
Cable.	Miller.
Carpenter	Moore.
of Matagorda.	Morgan
Chitwood.	of Liberty.
Coffee.	Morgan
Crawford.	of Robertson.
Culp.	Pate.
Davenport.	Patterson.
DeBerry.	Perdue.
Dodd.	Pinkston.
Downs.	Pope.
Driggers.	Potter.
Duffey.	Quaid.
Dunlap.	Rice.
Dunn.	Robinson.
Edwards.	Rowland.
Fields.	Russell
Finlay.	of Callahan.
Fugler.	Russell of Trinity.
Gipson.	Sanford.
Hardin of Erath.	Satterwhite.
Harrington.	Shearer.
Harris.	Simpson.
Henderson	Smith.
of Marion.	Sparkman.
Henderson	Stell.
of McLennan.	Stewart of Jasper.
Houston.	Stewart of Reeves.
Hughes.	Storey.
Jacks.	Stroder.
Jennings.	Thompson.
Jones.	Thrasher.
Kemble.	Turner.
Laird.	Vaughan.
Lamb.	Wallace.
Lane.	Wells.
LeMaster.	Westbrook.
LeSturgeon.	Wessels.

Williamson.
Wilmans.
Wilson.

Winfree.
Young.

Present—Not Voting.

McDonald.

Absent.

Baldwin.	Howeth.
Bryant.	Loftin.
Collins.	Melson.
Covey.	Montgomery.
Cowen.	Patman.
Davis.	Price.
Dinkle.	Rogers.
Frnka.	Rountree.
Green.	Shires.
Hardin	Stewart
of Kaufman.	of Edwards.
Hendricks.	Sweet.

Absent—Excused.

Amsler.	Lusk.
Bird.	Stevens.
Carter of Hays.	Stiernberg.
Dielmann.	Strickland.
Durham.	

HOUSE BILL NO. 221 ON SECOND READING.

On motion of Mr. Carson, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 221, A bill to be entitled "An Act to provide for co-operation between the State of Texas and the U. S. Department of Agriculture in the destruction of rodent pests, prairie dogs, rats, pocket gophers, and ground squirrels, and predatory animals, coyotes, wolves, mountain lions and bobcats; appropriating funds for such purpose; repealing present law (Senate bill No. 66) and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Stewart of Reeves offered the following amendments to the bill:

Amend House bill No. 221, page 1, line 25, by striking out "1923" and insert "1924."

Strike out "1924" in line 28 and insert in lieu thereof "1925"

Amend House bill No. 221, page 2, line 17, by striking out the word "for," and insert in lieu thereof "out of."

Amend House bill No. 221, page 2, line 18, by striking out the word "control," and insert in lieu thereof the word "distribution."

The amendments were severally adopted.

Mr. Jones offered the following amendment to the bill:

Amend House bill No. 221, page 2, line 16, by striking out the word "shall," and insert in lieu thereof the word "may."

The amendment was adopted.

(Speaker in the chair.)

Mr. Beasley offered the following amendment to the bill:

Amend House bill No. 221 by striking out the words "Agricultural and Mechanical College of Texas" and "Live Stock Sanitary Commission," wherever the same appear in said bill, and substitute in lieu thereof the words "Game, Fish and Oyster Commission of Texas."

Mr. Robinson moved the previous question on the pending amendment and the bill, and the motion was not seconded.

Mr. Looney moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Beasley, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—42.

Atkinson.	Looney.
Avis.	McDaniel.
Baker of Milam.	Miller.
Baker of Orange.	Morgan
Barker.	of Robertson.
Barrett.	Pinkston.
Beasley.	Rice.
Brady.	Robinson.
Coffee.	Rogers.
Collins.	Rowland.
Culp.	Russell of Trinity.
DeBerry.	Sanford.
Dodd.	Shearer.
Driggers.	Simpson.
Fields.	Stell.
Finlay.	Stewart of Jasper.
Hardin	Storey.
of Kaufman.	Turner.
Henderson	Vaughan.
of McLennan.	Wallace.
Hughes.	Wessels.
Laird.	Wilson.
Lamb.	

Nays—79.

Abney.	Carpenter
Baldwin.	of Matagorda.
Bell.	Carson.
Bobbitt.	Carter of Coke.
Bonham.	Chitwood.
Bryant.	Covey.
Burmeister.	Cowen.
Cable.	Crawford.
Carpenter	Davenport.
of Dallas.	Downs.

Duffey.	Merriman.
Dunlap.	Merritt.
Dunn.	Montgomery.
Durham.	Morgan
Edwards.	of Liberty.
Faubion.	Pate.
Fugler.	Patman.
Gipson.	Patterson.
Green.	Perdue.
Greer.	Pool.
Harrington.	Potter.
Henderson	Price.
of Marion.	Purl.
Hendricks.	Quaid.
Houston.	Rountree.
Howeth.	Russell
Hull.	of Callahan.
Jennings.	Sackett.
Johnson.	Smith.
Jones.	Sparkman.
Lackey.	Stewart
Lane.	of Edwards.
LeMaster.	Stewart of Reeves.
LeSturgeon.	Stroder.
Lewis.	Sweet.
Loftin.	Teer.
McBride.	Thrasher.
McDonald.	Wells.
McFarlane.	Westbrook.
McNatt.	Williamson.
Martin.	Winfree.
Mathes.	Young.

Present—Not Voting.

Harris.	Quinn.
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Absent.

Arnold.	McKean.
Blount.	Maxwell.
Davis.	Melson.
Dinkle.	Moore.
Frnka.	Pope.
Hardin of Erath.	Satterwhite.
Irwin.	Shires.
Jacks.	Thompson.
Kemble.	Wilmons.

Absent—Excused.

Amaler.	Lusk.
Bird.	Stevens.
Carter of Hays.	Stiernberg.
Dielmann.	Strickland.

Mr. Stewart of Reeves offered the following amendment to the bill:

Amend House bill No. 221 by striking out all before the enacting clause and insert in lieu thereof the following:

"A bill to be entitled 'An Act to provide for co-operation between the State of Texas and the U. S. Department of Agriculture in the destruction of rodent pests, prairie dogs, rats, pocket gophers and ground squirrels and predatory

animals, coyotes, wolves, mountain lions and bobcats; appropriating funds for such purposes, providing said funds shall be expended equally between the Agricultural and Mechanical College of Texas and the Live Stock Sanitary Commission of Texas; providing also that the commissioners court of any county or the governing body of any incorporated city or town within this State shall, upon the request of 25 or more freeholders, appropriate money out of the general fund not otherwise appropriated to assist the Department of Agriculture of the United States and the State of Texas in the destruction of such pests or animals; providing what disposition shall be made of all furs, skins and specimens of such animals or pests; providing that all persons working under the Bureau of Biological Survey, U. S. Department of Agriculture or working under the direction of the commissioners court within any county or the governing body of any incorporated city or town shall be authorized to enter upon any public or private lands within this State for the purpose of carrying out the work of extermination of such pests or animals and providing a penalty for any person who shall attempt to keep any such employe from entering upon any public or private lands for the purpose of exterminating such pests or animals, and repealing all laws in conflict herewith.'"

The amendment was adopted.

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 221 was then passed to engrossment by the following vote:

Yeas—67.

Baldwin.	Durham.
Bell.	Edwards.
Bobbitt.	Faubion.
Bonham.	Finlay.
Brady.	Fugler.
Burmeister.	Gipson.
Cable.	Green.
Carpenter	Greer.
of Dallas.	Hendricks.
Carpenter	Houston.
of Matagorda.	Hull.
Carson.	Jennings.
Carter of Coke.	Johnson.
Covey.	Jones.
Cowen.	Kemble.
Davenport.	Lackey.
Downs.	Lane.
Driggers.	LeSturgeon.
Dunlap.	Lewis.

McDonald.	Rountree.
McFarlane.	Russell
McNatt.	of Callahan.
Mathes.	Sackett.
Merriman.	Smith.
Merritt.	Sparkman.
Montgomery.	Stewart
Morgan	of Edwards.
of Liberty.	Stewart of Jasper.
Patman.	Stewart of Reeves.
Patterson.	Stroder.
Pool.	Sweet.
Pope.	Thrasher.
Potter.	Wells.
Purl.	Williamson.
Quaid.	Winfree.
Rogers.	Young.

Nays—55.

Abney.	LeMaster.
Atkinson.	Loftin.
Avis.	Looney.
Baker of Milam.	McBride.
Baker of Orange.	McDaniel.
Barker.	McKean.
Barrett.	Miller.
Beasley.	Morgan
Bryant.	of Robertson.
Coffee.	Pate.
Collins.	Perdue.
Culp.	Pinkston.
DeBerry.	Price.
Dodd.	Rice.
Duffey.	Robinson.
Dunn.	Rowland.
Fields.	Russell of Trinity.
Hardin	Sanford.
of Kaufman.	Shearer.
Harrington.	Simpson.
Harris.	Stell.
Henderson	Storey.
of Marion.	Teer.
Henderson	Thompson.
of McLennan.	Vaughan.
Howeth.	Wallace.
Hughes.	Westbrook.
Jacks.	Wessels.
Laird.	Wilson.
Lamb.	

Present—Not Voting.

Crawford.

Absent.

Arnold.	Maxwell.
Blount.	Melson.
Chitwood.	Moore.
Davis.	Quinn.
Dinkle.	Satterwhite.
Frnka.	Shires.
Hardin of Erath.	Turner.
Irwin.	Wilmons.
Martin.	

Absent—Excused.

Amsler.	Carter of Hays.
Bird.	Dielmann.

Lusk.	Stiernberg.
Stevens.	Strickland.

Mr. Rountree moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 218 ON SECOND READING.

On motion of Mr. Stewart of Reeves, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 218, A bill to be entitled "An Act to define what shall constitute a unit of weight or measure of all commodities purchased or sold by length, weight or measure; providing for the sale of commodities by State standard of weight or measure; providing for the sale of hay by weight; establishing a standard for bread sold in loaves; providing penalties for the enforcement of this law; repealing certain statutes, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Stewart of Reeves offered the following amendment to the bill:

Amend House bill No. 218, page 4, line 2, by striking out the figures "50" and insert "56."

Page 4, line 20, by striking out "50" and insert "56."

Page 5, line 34, strike out "300" and insert "3000."

The amendment was adopted.

Mr. Shearer offered the following amendment to the bill:

Amend House bill No. 218, page 5, line 5, by adding the words "or barrel of 162 pounds."

The amendment was adopted.

House bill No. 218 was then passed to engrossment.

HOUSE BILL NO. 218 ON THIRD READING.

Mr. Stewart of Reeves moved that the constitutional rule requiring bills to be read on three several days by suspended and that House bill No. 218 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107.

Mr. Speaker.	Baker of Milam.
Abney.	Baker of Orange.
Arnold.	Barker.

Barrett.	McDaniel.	Davis.	Melson.
Beasley.	McFarlane.	Dinkle.	Montgomery.
Bell.	McKean.	Frnka.	Patman.
Bird.	McNatt.	Gipson.	Patterson.
Bobbitt.	Martin.	Hardin of Erath.	Pinkston.
Bonham.	Mathes.	Hull.	Price.
Bryant.	Maxwell.	Irwin.	Rountree.
Burmeister.	Merriman.	Jacks.	Satterwhite.
Cable.	Merritt.	Jones.	Williamson.
Carpenter	Miller.	Kemble.	Wilmans.
of Dallas.	Moore.	McDonald.	Wilson.
Carpenter	Morgan	Absent—Excused.	
of Matagorda.	of Liberty.	Amsler.	Stevens.
Carson.	Morgan	Carter of Hays.	Stiernberg.
Carter of Coke.	of Robertson.	Dielmann.	Strickland.
Chitwood.	Pate.	Lusk.	
Coffee.	Perdue.	The Speaker then laid House bill No.	
Collins.	Pool.	218 before the House on its third read-	
Covey.	Pope.	ing and final passage.	
Cowen.	Potter.	The bill was read third time and was	
Crawford.	Purl.	passed by the following vote:	
Culp.	Quaid.	Yeas—113.	
Davenport.	Quinn.	Abney.	Fugler.
DeBerry.	Rice.	Arnold.	Green.
Dodd.	Robinson.	Baker of Milam.	Greer.
Downs.	Rogers.	Baker of Orange.	Harrington.
Driggers.	Rowland.	Baldwin.	Harris.
Duffey.	Russell	Barker.	Henderson
Dunlap.	of Callahan.	Barrett.	of Marion.
Dunn.	Russell of Trinity.	Beasley.	Hendricks.
Durham.	Sackett.	Bell.	Houston.
Edwards.	Sanford.	Bobbitt.	Howeth.
Faubion.	Shearer.	Bonham.	Hull.
Fields.	Shires.	Bryant.	Jennings.
Finlay.	Simpson.	Burmeister.	Johnson.
Fugler.	Smith.	Cable.	Jones.
Green.	Sparkman.	Carpenter	Kemble.
Greer.	Stell.	of Dallas.	Lackey.
Harris.	Stewart	Carpenter	Laird.
Henderson	of Edwards.	of Matagorda.	Lamb.
of Marion.	Stewart of Jasper.	Carson.	Lane.
Hendricks.	Stewart of Reeves.	Carter of Coke.	LeStourgeon.
Houston.	Storey.	Chitwood.	Lewis.
Howeth.	Stroder.	Coffee.	Loftin.
Jennings.	Sweet.	Collins.	Looney.
Johnson.	Teer.	Covey.	McBride.
Lackey.	Thompson.	Cowen.	McDaniel.
Laird.	Thrasher.	Crawford.	McDonald.
Lamb.	Turner.	Culp.	McFarlane.
Lane.	Wallace.	Davenport.	McKean.
LeStourgeon.	Wells.	DeBerry.	McNatt.
Lewis.	Westbrook.	Dodd.	Martin.
McBride.	Wessels.	Downs.	Merriman.
Looney.	Winfree.	Driggers.	Merritt.
Loftin.	Young.	Duffey.	Miller.
Nays—7.		Dunlap.	Moore.
Atkinson.	Henderson	Dunn.	Morgan
Hardin	of McLennan.	Durham.	of Liberty.
of Kaufman.	Hughes.	Edwards.	Morgan
Harrington.	LeMaster.	Faubion.	of Robertson.
	Vaughan.	Fields.	Pate.
Absent.		Finlay.	Patman.
Avis.	Blount.		
Baldwin.	Brady.		

Patterson.	Sparkman.
Perdue.	Stell.
Pool.	Stewart
Potter.	of Edwards.
Price.	Stewart of Jasper.
Purl.	Stewart of Reeves.
Quaid.	Storey.
Quinn.	Stroder.
Rice.	Sweet.
Robinson.	Teer.
Rogers.	Thompson.
Rowland.	Thrasher.
Russell of Trinity.	Turner.
Sackett.	Wallace.
Sanford.	Wells.
Shearer.	Westbrook.
Shires.	Wessels.
Simpson.	Wilson.
Smith.	Winfree.

Nays—7.

Atkinson.	Henderson
Gipson.	of McLennan.
Hardin of Erath.	LeMaster.
Hughes.	Vaughan.

Present—Not Voting.

Young.

Absent.

Avis.	Maxwell.
Blount.	Melson.
Brady.	Montgomery.
Davis.	Pinkston.
Dinkle.	Pope.
Frnka.	Rountree.
Hardin	Russell
of Kaufman.	of Callahan.
Irwin.	Satterwhite.
Jacks.	Williamson.
Mathes.	Wilmons.

Absent—Excused.

Amsler.	Lusk.
Bird.	Stevens.
Cartier of Hays.	Stiernberg.
Dielmann.	Strickland.

ADDRESS BY ADMIRAL A. O. WRIGHT.

In accordance with a resolution heretofore adopted providing for address by Admiral A. O. Wright, the Speaker announced the appointment of the following committee to escort Admiral Wright to the Speaker's stand:

Messrs. Rogers, Cowen and Morgan of Liberty.

The committee having performed their duty, Speaker Seagler presented Mr. Rogers, who in turn introduced Hon. A. O. Wright.

Hon. A. O. Wright then addressed the House.

ADDRESS BY HON. LOUIS J. WORTHAM.

Mr. Potter offered the following resolution:

Whereas, Honorable Louis J. Wortham of Tarrant county, a former member of the Texas Legislature, for many years chairman of Appropriations Committee and now a member of the Board of Regents of the Texas University, is in the bar of the House, and being a distinguished citizen of this State; therefore be it

Resolved, That Col. Wortham be invited to address the House.

Signed—Potter, Kemble, Sweet, Burmeister, Smith, Rountree, McNatt, Carpenter of Dallas.

The resolution was read second time and was adopted.

In accordance with the above action the Speaker announced the appointment of the following committee to escort Col. Wortham to the Speaker's stand:

Messrs. Potter, Kemble and Carpenter of Dallas.

The committee having performed their duty, Speaker Seagler presented Mr. Potter, who in turn introduced Hon. Louis Wortham.

Hon. Louis J. Wortham then addressed the House.

HOUSE BILL NO. 247 ON SECOND READING.

On motion of Mr. Bird, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 247, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas; to provide for all courses of study by correspondence that supply the needs of Texas people; to provide for the appointment of an executive board for same, and prescribe their duties; to provide for the appointment of members of the faculty, prescribe their duties and provide for the salaries of members of said faculty, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Greer offered the following amendment to the bill:

Amend House bill No. 247 by adding Section 13 to the bill, to read as follows:

"Sec. 13. Provided that no money appropriated under this act shall be-

come available except until September 1, 1975."

Mr. Greer moved the previous question on the pending amendment and the bill, and the motion was duly seconded.

Question first recurring on the motion for the previous question, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—43.

Arnold.	LeSturgeon.
Avis.	McDonald.
Bonham.	McFarlane.
Brady.	McKean.
Bryant.	Moore.
Burmeister.	Pate.
Cable.	Potter.
Carpenter	Quinn.
of Dallas.	Rice.
Carpenter	Robinson.
of Matagorda.	Rogers.
DeBerry.	Rowland.
Duffey.	Simpson.
Dunlap.	Smith.
Fields.	Stewart
Greer.	of Edwards.
Hull.	Stewart of Reeves.
Jacks.	Stroder.
Johnson.	Thrasher.
Lackey.	Turner.
Laird.	Westbrook.
Lamb.	Winfree.
Lane.	Young.

Nays—79.

Abney.	Finlay.
Atkinson.	Fugler.
Baker of Milam.	Gipson.
Baker of Orange.	Green.
Baldwin.	Hardin of Erath.
Barker.	Harrington.
Barrett.	Harris.
Beasley.	Henderson
Bell.	of Marion.
Bobbitt.	Henderson
Carson.	of McLennan.
Carter of Coke.	Hendricks.
Chitwood.	Howeth.
Coffee.	Hughes.
Collins.	Jennings.
Covey.	Jones.
Cowen.	Kemble.
Crawford.	LeMaster.
Culp.	Lewis.
Davenport.	Loftin.
Dodd.	Looney.
Downs.	McBride.
Driggers.	McDaniel.
Dunn.	McNatt.
Durham.	Mathes.
Edwards.	Maxwell.
Faubion.	Merriman.

Miller.	Russell of Trinity.
Morgan	Sackett.
of Liberty.	Sanford.
Morgan	Shearer.
of Robertson.	Shires.
Patman.	Sparkman.
Patterson.	Stell.
Perdue.	Stewart of Jasper.
Pool.	Storey.
Price.	Teer.
Purl.	Thompson.
Quaid.	Vaughan.
Rountree.	Wells.
Russell	Wessels.
of Callahan.	Wilson.

Absent.

Blount.	Merritt.
Davis.	Montgomery.
Dinkle.	Pinkston.
Frnka.	Pope.
Hardin	Satterwhite.
of Kaufman.	Sweet.
Houston.	Wallace.
Irwin.	Williamson.
Martin.	Wilmane.
Melsor.	

Absent—Excused.

Amsler.	Lusk.
Bird.	Stevens.
Carter of Hays.	Stiernberg.
Dielmann.	Strickland.

On motion of Mr. Miller, the amendment was tabled.

Mr. Baldwin offered the following amendment to the bill:

Amend House bill No. 247, Section 4, by striking out "Governor of Texas" and inserting in lieu thereof "The Hon. Lee J. Rountree."

Mr. Abney moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question recurring on the amendment, it was adopted.

Mr. Abney moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 247, and the call was duly seconded.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called and a quorum was announced present.

Question then recurring on the en-

grossment of the bill, yeas and nays were demanded.

House bill No. 247 was passed to engrossment by the following vote:

Yeas—52.

Avis.	Johnson.
Baker of Milam.	LeSturgeon.
Baker of Orange.	Loftin.
Baldwin.	McDaniel.
Barker.	McKean.
Bobbitt.	Merriman.
Bonham.	Morgan
Brady.	of Liberty.
Bryant.	Morgan
Burmeister.	of Robertson.
Carpenter	Patman.
of Dallas.	Pool.
Carson.	Price.
Carter of Coke.	Purl.
Coffee.	Rice.
Covey.	Robinson.
Crawford.	Rogers.
Culp.	Rountree.
Downs.	Russell of Trinity.
Duffey.	Sanford.
Edwards.	Shearer.
Finlay.	Smith.
Fugler.	Sparkman.
Gipson.	Stewart of Reeves.
Green.	Teer.
Henderson	Wells.
of Marion.	Williamson.
Hull.	Wilmons.

Nays—38.

Atkinson.	Lewis.
Barrett.	Looney.
Beasley.	McBride.
Bell.	McDonald.
Dodd.	Martin.
Dunn.	Mathes.
Fields.	Maxwell.
Greer.	Moore.
Hardin	Pate.
of Kaufman.	Perdue.
Harrington.	Pope.
Harris.	Sackett.
Henderson	Stell.
of McLennan.	Stewart of Jasper.
Houston.	Stroder.
Hughes.	Thompson.
Jennings.	Turner.
Laird.	Vaughan.
Lane.	Wessels.
LeMaster.	Young.

Present—Not Voting.

Abney.	Cowen.
Arnold.	Davenport.
Blount.	DeBerry.
Cable.	Driggers.
Carpenter	Dunlap.
of Matagorda.	Durham.
Chitwood.	Hendricks.

Howeth.	Quinn.
Jacks.	Rowland.
Jones.	Shires.
Kemble.	Simpson.
Lackey.	Stewart
McFarlane.	of Edwards.
McNatt.	Storey.
Patterson.	Thrasher.
Potter.	Wilson.
Quaid.	Winfree.

Absent.

Collins.	Miller.
Davis.	Montgomery.
Dinkle.	Pinkston.
Faubion.	Russell
Frnka.	of Callahan.
Hardin of Erath.	Satterwhite.
Irwin.	Sweet.
Lamb.	Wallace.
Melson.	Westbrook.
Merritt.	

Absent—Excused.

Amsler.	Lusk.
Bird.	Stevens.
Carter of Hays.	Stiernberg.
Dielmann.	Strickland.

HOUSE BILL NO. 160 ON SECOND READING.

On motion of Mr. Miller, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 160, A bill to be entitled "An Act amending Article 4611 of the Revised Civil Statutes with reference to the issuance of marriage licenses so as to provide that no license to marry shall be issued except in the county of the residence of the female desiring to marry unless the parent or guardian is present in person and gives his or her consent for the issuance of such license; providing punishment for the violation of the act, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time

Mr. Miller offered the following (committee) amendment to the bill:

Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. Article 4611 of the Revised Civil Statutes of this State as amended by Chapter 42, General Laws, Regular Session of the Thirty-second Legislature, is hereby amended so as to hereafter read as follows:

Article 4611. No clerk shall issue a marriage license without the consent of the parent or guardian of the parties

applying if there be a legally appointed guardian of either party to such license, said consent to be given in person or in writing, signed and acknowledged by said parent or guardian before an officer authorized to take acknowledgments, unless the parties so applying shall be, in the case of the male, twenty-one years of age, and in case of the female, eighteen years of age, and if there be any doubt in the mind of the clerk of the county court issuing such license, he shall not issue said license unless there shall be presented to him a certificate under oath from their parent or guardian or three persons other than the contracting parties that the contracting parties have attained the ages aforesaid; provided, further, that nothing in this act shall be construed to affect the issuance of marriage license in seduction prosecution. Provided that in cases where any minor has neither parent nor guardian, then the clerk shall not issue a license without the consent of the county judge of the county of the residence of such minor, such consent to be in writing and signed and acknowledged by such county judge. Provided that no license to marry shall be issued for the marriage of any person under twenty-one years of age, except in the county where the parent or guardian, if any, of the female resides; and in determining the residence of such parent or guardian, if he does not have personal knowledge of such residence the clerk shall, before the issuance of such license, require the written statement, duly sworn to by three persons owning property in such resident county, showing the names and residences, respectively, of such witnesses, and that such female is a resident of the county in which such license is requested to be issued. Any clerk who negligently or wilfully violates the provisions of this act shall be guilty of a misdemeanor and; upon conviction, shall be fined in any sum not to exceed \$200 or shall be punished by imprisonment not to exceed six months in the county jail, or by both such fine and imprisonment.

Sec. 2. The fact that many girls under age are running away and getting married without the consent of their parents or guardians, and the fact that the present laws are inadequate to remedy this situation creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be

read on three several days in each house and that this act take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Question—Shall the amendment be adopted?

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. Simpson, Mr. Greer, Mr. McBride, Mr. Green and Mr. Patman:

H. B. No. 654, A bill to be entitled "An Act to authorize the consolidation of school districts or parts of two or more districts into one district, to give authority to the county trustees to consolidate school districts and to select the location of schools in such districts, and to authorize the State Superintendent of Public Instruction to order the county trustees to consolidate county line and other school districts and to authorize the transportation of children to consolidated schools, to be paid out of funds collected from local maintenance tax."

Referred to Committee on Education.

By Mr. Johnson:

H. B. No. 655, A bill to be entitled "An Act to amend Article 7355, Chapter 1, Title 126, of the Revised Statutes of the State of Texas, 1911, by adding another section to said article, which section shall be No. 41 and provides for an occupation tax for loan brokers of \$500 per annum to the State and \$250 to the county, and providing for an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Baker of Milam and Mr. Loftin:

H. B. No. 656, A bill to be entitled "An Act providing that each and every casualty insurance company now engaged or that may hereafter engage in the transaction of the business of casualty insurance in this State shall as a condition of its right to transact such business in this State invest and keep invested in Texas securities as 'Texas securities' are now defined by law, and in Texas real estate as now provided by law a sum of money equal to at least seventy-five per cent of the aggregate amount of the legal reserve for unearned premiums and at least seventy-five per cent of the aggregate amount of the legal

reserve for unpaid losses upon policies issued or that mature in this State, and which it is required to maintain on account of said policies, at which reserve is hereinafter denominated its Texas reserve; and each such company securing a certificate of authority to do business in this State shall be deemed to have accepted such certificate subject to all the conditions and requirements of this act, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Laird:

H. B. No. 657, A bill to be entitled "An Act to amend Chapter 92 of the Special Laws of the Regular Session of the Thirty-sixth Legislature, known as an act to create a more efficient road system for Angelina county, by re-enacting Section 8 and adding thereto a new section to be known as Section 8a, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Thrasher:

H. B. No. 658, A bill to be entitled "An Act to amend Article 668 of the Code of Criminal Procedure of Texas, 1911, providing for the mode and manner of serving a special venire, and repealing all laws or parts of laws in conflict with its provisions."

Referred to Committee on Criminal Jurisprudence.

By Mr. Arnold:

H. B. No. 659, A bill to be entitled "An Act to amend Title 15, Chapter 1, of the Penal Code of the State of Texas, adopted in 1911, by adding thereto Article 1019a, defining the offense of negligent assault and battery, fixing a penalty therefor, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Baldwin:

H. B. No. 660, A bill to be entitled "An Act creating and incorporating Lakeview Independent School District in Dawson county, Texas, out of territory now comprising Lakeview Common School District No. 25; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of

equalization; providing that said Lakeview Independent School District shall assume and discharge any and all bonds and other indebtedness constituting valid and binding obligations of said Lakeview Common School District No. 25 of Dawson county; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the general laws of Texas in all matters where this act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this act shall not invalidate any remaining provisions hereof, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Williamson:

H. B. No. 661, A bill to be entitled "An Act to amend Section 8 of Chapter 39, General Laws of the Thirty-fourth Legislature, pages 78 to 81, creating the county court of Bexar county for criminal cases; defining its jurisdiction; providing for the payment of a special judge by the commissioners court out of the treasury of said county, and limiting the time of service of such special judge to not more than forty-five days in any one year; and providing further that any excess over and above forty-five days to be deducted from the salary of the regular judge of said court."

Referred to Judiciary Committee.

SENATE BILLS ON FIRST READING.

The following Senate bills were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 193, to the Committee on Public Lands and Buildings.

Senate bill No. 355, to the Committee on School Districts.

Senate bill No. 228, to the Committee on Education.

Senate bill No. 164, to the Committee on Counties.

RECESS.

Mr. Green moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Burmeister moved that the House recess until 9 o'clock a. m. tomorrow.

Mr. Barrett moved that the House recess until 10 o'clock a. m. tomorrow.

Mr. Wallace moved that the House recess until 8 o'clock p. m. today.

The motion of Mr. Barrett prevailed, and the House, accordingly at 6 o'clock p. m., took recess until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills as follows:

Criminal Jurisprudence—House bills Nos. 586, 351.

State Affairs—Senate bill No. 149.

The following committee has filed unfavorable reports on bills as follows:

Criminal Jurisprudence—House bills Nos. 522, 459.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, February 27, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 445, "An Act to amend Chapter 16 of the General Laws of the State of Texas, passed by the Thirty-fourth Legislature at its First Called Session, changing the time of holding courts in the Thirty-third Judicial District of Texas by providing that said court shall hold three terms of two weeks each in Gillespie county, and by providing that the two terms of said court to be held in Burnet county may continue in session for three weeks each, and repealing all laws and parts of laws in conflict therewith, and creating an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 3:40 o'clock p. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 26, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

H. B. No. 49, A bill to be entitled "An Act creating the Thrall Independent School District in the county of Williamson, State of Texas; defining its boundaries; providing for a board of trustees to control and manage the schools of said district; divesting Common School District No. 21 of Williamson county, Texas, of the control of the free schools of the said district and of the title, management and control of all property held, owned and controlled for public free school purposes therein, and vesting the same in the said Thrall Independent School District and in the board of trustees thereof; providing for the assessing and collecting of taxes; providing for the issuing of bonds; providing for the election of a treasurer for the said school district; providing for the election of an assessor and collector for said school district; providing for the erection of buildings, and equipping same for school purposes, and assuming the payment of the outstanding bonded indebtedness of Common School District No. 21 of Williamson county, Texas, and creating an emergency,"

And find the same correctly engrossed.

PRICE, Vice Chairman.

Committee Room,

Austin, Texas, February 26, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 620, A bill to be entitled "An Act creating Pontotoc Common County Line School District No. 31 of Mason, San Saba and Llano counties, and placing the same under the management and control of Llano county; defining the powers of said district; providing for election of the first board of trustees of said district; providing for an election to determine whether or not a special school tax for maintenance purposes shall be levied upon the property contained in said district, and to determine whether the several outstanding obligations which may exist against the several territories and the portion of territory of other districts embraced in this district shall be assumed in whole or in part by the property of this district to provide for such indebtedness and pro rata thereof; making alternative provision for the protection of all such

indebtedness; abolishing existing school districts wholly included within its boundaries, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice Chairman.

Committee Room,
Austin, Texas, February 26, 1923.
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 86, A bill to be entitled "An Act amending Article 6285 of the Revised Civil Statutes of the State of Texas, 1911, and providing for the assistance by the county of any mother unable to properly provide for her children, where the father of such children is either dead, in a State institution, or where she is compelled by divorce to have the entire care and custody of such children without assistance from the father,"

And find the same correctly engrossed.
PRICE, Vice Chairman.

Committee Room,
Austin, Texas, February 24, 1923.
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 399, A bill to be entitled "An Act to amend Article 1585 of Chapter 2, Title 32 of the Revised Civil Statutes of Texas of 1911, fixing the terms of Courts of Civil Appeals,"

And find the same correctly engrossed.
PRICE, Vice Chairman.

THIRTY-FIFTH DAY.

(Continued.)

(Wednesday, February 28, 1923.)

The House met at 10 o'clock a. m., and was called to order by Speaker Seagler.

HOUSE BILL NO. 160 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 160, relating to issuance of marriage licenses, on its passage to engrossment, with amendment by Mr. Miller pending.

Mr. Miller offered the following amendment to the amendment:

Amend (committee) amendment to House bill No. 160, line 34, after the word "judge" to read: "Provided, that no license to marry shall be issued for the marriage of any female person under 18 years of age except in the county where the parent or guardian, if any, or the female resides, unless the parents or guardian are present; and," etc.

The amendment to the amendment was adopted.

The (committee) amendment as amended was then adopted.

House bill No. 160 was then passed to engrossment.

HOUSE BILL NO. 93 ON SECOND READING.

On motion of Mr. Winfree, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment.

H. B. No. 93, A bill to be entitled "An Act to make appropriation to pay off that certain note executed by the Prison Commission to Bassett Blakely for the purchase of certain mules, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Winfree offered the following (committee) amendment to the bill:

Amend House bill No. 93 by striking out all after the enacting clause and substituting the following:

Section 1. That there be and is hereby appropriated out of any money in the treasury, not already appropriated, the sum of twenty-five thousand (\$25,000) dollars in full settlement of that certain note with interest thereon executed by the Prison Commission to Bassett Blakely in purchase for certain mules. Said note being dated January 19, 1921.

Sec. 2. Upon the presentation and delivery of said note to Comptroller of Public Accounts he shall draw his warrant on the State Treasury in favor of the owner and holder of said note for the sum of twenty-five thousand (\$25,000) dollars, in full settlement of said note, which warrant shall be paid by the Treasurer out of any funds on hand not otherwise appropriated.

Sec. 3. The fact that said note is long past due and unpaid affects adversely the credit of the Prison Commission and creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended, and it is enacted that said